ORDINANCE _____

AN ORDINANCE related to land use and zoning regulations for Downtown Seattle, amending, repealing and re-codifying various provisions of the City of Seattle Land Use Code, Title 23 of the Seattle Municipal Code (SMC), including amendments (rezones) to the Official Land Use Map, SMC 23.32.

WHEREAS, on July 23, 2001, the City Council enacted Ordinance 120443, modifying development regulations for downtown zones in response to certain recommendations of the Downtown Urban Center Planning Group (DUCPG) in the Downtown Urban Center Neighborhood Plan; and

WHEREAS, Ordinance 120443 enacted major revisions to the floor area bonus and the transfer of development rights (TDR) provisions to promote affordable housing and other public amenities that mitigate the impacts of growth; and

WHEREAS, Ordinance 120443 was to be followed by recommendations for further modifications to development regulations in downtown zones that would reinforce these initial actions for accommodating both housing and employment growth downtown consistent with the City's Comprehensive Plan and Downtown neighborhood plans; and

WHEREAS, the City has conducted analysis and public review of several alternatives to develop a preferred recommendation that will help achieve the goals for Seattle's Comprehensive Plan and Downtown neighborhood plans; and

WHEREAS, the Council finds that the amendments contained in this Ordinance will implement the Comprehensive Plan and protect and promote the public health, safety and welfare, NOW, THEREFORE**,**

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Official Land Use Map, Exhibit A of Section 23.32.016 of the Seattle Municipal Code, is hereby amended to rezone certain properties located on Plat 35W, page 100, Plat 35E, page 101, Plat 36W, page 102, Plat 39W, page 108, Plat 39E, page 109, Plat 40W, page 110, Plat 43E, page 115, and Plat 44W, page 116 as shown on Attachment 1 to this Ordinance.

Section 2. Within Chapter 23.49 of the Seattle Municipal Code, Subchapters are hereby amended to reflect substantive amendments and deletions in code sections. Subchapter II

incorporates information from the current Subchapters III and V, resulting in the elimination of those current Subchapters. The remaining Subchapters are renumbered accordingly.

Section 3. Subsection A of Section 23.41.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is amended to read as follows:

Section 23.41.004 Applicability.

A. Design Review Required.

1. Design review is required for any new multifamily or commercial structure that exceeds SEPA thresholds if the structure:

a. Is located in one (1) of the following zones:

i. Lowrise (L3, L4),

ii. Midrise (MR),

iii. Highrise (HR),

iv. Neighborhood Commercial (NC1, 2, 3)

v. Seattle Mixed (SM), or

vi. Industrial Commercial (IC) zone within the South Lake Union Urban Center; or

b. Is located in a Commercial (C1 or C2) zone, and

i. The proposed structure is located within an urban village area identified in the Seattle Comprehensive Plan, or

ii. The site of the proposed structure abuts or is directly across a street or alley from any lot zoned single-family, or

iii. The proposed structure is located in the area bounded by NE 95th Street on the south, NE 145th Street on the north, 15th Ave NE on the west, and Lake Washington on the east.

2. Design review is required for all new Major Institution structures that exceed SEPA thresholds in the zones listed in subsection A1 of this section, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Downtown design review is required for all new ((~~multifamily and commercial~~))structures that((~~greater than or~~ equal or exceed ((~~to~~)) the following thresholds:

DOC 1((~~and~~)), DOC 2 ((~~and~~)) or DMC Zones

Use	**Threshold**
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

DRC, ((~~DMC,~~)) DMR, DH1 or DH2

Use	**Threshold**
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new structures exceeding one hundred and twenty (120) feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Exhibit 23.41.006 A.

5. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, administrative design review (Section 23.41.016) is required for new

multifamily and commercial structures in Lowrise, Midrise, and commercial zones when an exceptional tree, as defined in Section 25.11.020, is located on the site, if design review would not otherwise be required by this subsection A.

6. New multifamily or commercial structures in the zones listed in subsection A1 of this section, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review.

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Section 4. Section 23.41.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121359, is amended to read as follows:

23.41.012 Development standard departures.

A. Departure from Land Use Code requirements may be permitted for new multifamily, commercial, and Major Institution development as part of the design review process. Departures may be allowed if an applicant demonstrates that departures from Land Use Code requirements would result in a development that better meets the intent of adopted design guidelines.

B. Departures may be granted from any requirement, except for the following:

1. Use requirements, including but not limited to, requirements for permitted, prohibited or conditional uses;

2. Residential density limits;

3. Floor Area Ratios;

4. Provisions for exceeding the base FAR in Downtown zones as provided in Chapter 23.49;

((~~4~~))5. Maximum size of use;

((~~5~~))6. Maximum structure height, provided that:

a. Building height departures may be granted within the Roosevelt Commercial Core (up to an additional three (3) feet) for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core);

b. Building height departures may be granted within the Ballard Municipal Center master plan area, for properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal Center Master Plan Area). The additional height may not exceed nine (9) feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

((~~c. Building height departures may be granted in DOC 1 and DOC 2 zones as provided in subsection 23.49.008 A 2;~~))

((~~d~~))c. Building height departures may be granted in Lowrise zones in order to protect existing trees as provided in Chapter 25.11;

((~~e~~))d. Building height departures may be granted in Downtown zones for minor communication utilities as set forth in Section 23.57.013 B;

((~~6~~))7. Quantity of parking required, provided that:

a. Required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000" may be reduced. The parking requirement must be no less than the required parking for Pedestrian ((~~1~~)) designated areas shown in Section 23.54.015 Chart D;

b. Departures from the parking standards of Section 23.54.015 may be granted in Midrise and Commercial zones in order to protect existing trees as provided in Chapter 25.11;

((~~7~~))8. Downtown view corridor and Downtown Green Street requirements, provided that departures may be granted to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor or Green Street setback, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code; ((~~and~~))

((~~8~~))9. Shoreline view corridors, provided that departures from shoreline view corridors may be granted as provided in Section 23.60.162.

10. The quantity of open space required for major office projects in Downtown zones as provided in Section 23.49.016.B.

11. The maximum parking limit in Downtown zones, except as provided in Section 23.49.019C.2.

Section 5. Section 23.42.124 of the Seattle Municipal Code, which Section was last amended by Ordinance 120293, is amended as follows:

23.42.124 Light and glare standards nonconformity.

When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of the light and glare standards of the respective zone. See subsection H of Section 23.44.008 for single-family zones; Section 23.45.017 for lowrise zones; Section 23.45.059 for midrise zones; Section 23.45.075 for highrise zones; Section 23.46.020 for residential commercial zones; Section 23.47.022 for commercial zones; Section 23.49.025((~~23.49.010~~)) for downtown zones; and Section 23.50.046 for industrial buffer and industrial commercial zones.

Section 6. Subsection C of Section 23.49.002 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.49.002 Scope of provisions.

* * *

C. ((~~The requirements~~)) Standards and guidelines for public benefit features are found in the Public Benefit Features Rule.

* * *

Section 7. Section 23.49.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 121359, is amended as follows:

23.49.008 Structure height.

The following provisions regulating structure height apply to all property in downtown zones except the DH1, PSM, IDM, and IDR zones.

A. Except as provided in this subsection A and in subsections B and C, ((~~M~~))maximum structure heights for downtown zones are fifty-five (55) feet, sixty-five (65) feet, eighty-five (85) feet, ((~~one hundred (100) feet~~))one hundred twenty-five (125) feet, one hundred fifty (150) feet, one hundred sixty (160) feet, two hundred forty (240) feet, ((~~three hundred (300 feet)~~)), three hundred forty (340) feet, four hundred (400) ((~~and four hundred fifty (450)~~)) feet, six hundred (600) feet, and seven hundred (700) feet as designated on the Official Land Use Map, Chapter 23.32. The height of portions of a structure in residential use may be subject to a lower limit pursuant to Section 23.49.058. The height of a structure shall not exceed the maximum structure height, except that:

1. Any lot in the Pike Market Mixed zone that is subject to an urban renewal covenant may be built no higher than the height permitted by the covenant for the life of the covenant.

((~~2. Any lot that meets the provisions of this subsection may gain additional structure height using one, but not both, of subsections 2a and 2b below:~~

~~a. A structure in a DOC1 zone, or in a DOC2 zone, may gain additional height of ten (10) percent of the maximum structure height, when:~~

~~(1) The gross floor area of each story wholly or partly above the maximum structure height is no greater than eighty (80) percent of the gross floor area of at least one story below the maximum structure height, which story must have gross floor area no greater than that of each story lower than it that is wholly above a height of one hundred twenty-five (125) feet, except that structures on lots zoned both DOC1 and DMC are not subject to this provision. For structures with separate towers, the limits on area apply to each tower individually; and~~

~~(2) The above-grade gross floor area in all structures on the lot, including all floor area exempt from FAR limits, except exempt street-level uses, museums and museum expansion space, within-block TDR transferred from a lot zoned DMC to a lot zoned DOC1, and bonused housing, does not exceed the sum of the maximum FAR for the lot established by Section 23.49.011 plus any credit floor area above the maximum structure height allowed under Section 23.49.041 , City/County Transfer of Development Credits Program.~~

~~b. A structure within the area shown on Map 10 may gain additional height of twenty (20) percent of the maximum structure height, when the conditions in subsection A2a of this section are satisfied, and either:~~

~~(1) The lot satisfies one of the following conditions: (A) at least twenty-five (25) percent of the lot area at street level is in open space use or occupied by structures, or portions of structures, no greater than thirty-five (35) feet in height, or any combination thereof; or (B) at least fifty (50) percent of the lot area at street level is in open space use or occupied by structures, or portions of structures, no greater than sixty-five (65) feet~~

~~in height, or any combination thereof; or (C) at least fifteen (15) percent of the lot area at street level is (1) in open space use that is on the same lot as a museum or a museum expansion space, or (2) a public atrium is proposed as part of a museum or museum expansion space, or (3) any combination thereof; or~~

~~(2) The lot contains a Landmark structure and satisfies all conditions to the transfer of Landmark TDR from such lot under this chapter and the Public Benefit Features Rule, other than conditions related to the availability of unused base floor area.~~))

2. Structures located in DMC 240/400 or DMC 340/400 zones may exceed the maximum height limit for residential use by ten (10) percent of that limit if:

a. the facades of the portion of the structure above the limit do not enclose an area greater than 9,000 square feet, and

b. the enclosed space is only occupied by those uses or features otherwise permitted in this Section as an exception above the height limit.

This exception shall not be combined with any other height exception for screening or rooftop features to gain additional height.

3. On any lot in the DRC zone, a height of one hundred fifty (150) feet is permitted subject to the restrictions in subsection A4 of this section in the following cases:

a. When all portions of a structure above eighty-five (85) feet contain only residential use; or

b. When at least twenty-five (25) percent of the gross floor area of all structures on a lot is in residential use; or

c. When a minimum of 1.5 FAR of retail sales and service or entertainment uses, or any combination thereof, is provided on the lot; or

d. For residential floor area created by infill of a light well on a Landmark structure. For the purpose of this subsection a light well is defined as an inward modulation on a non-street facing facade that is enclosed on at least three sides by walls of the same structure, and infill is defined as an addition to that structure within the light well. The maximum height allowed under this subsection A3d shall be the lesser of one hundred fifty (150) feet or the highest level at which the light well is enclosed by the full length of walls of the structure on at least three sides.

4. Restrictions on Demolition and Alteration of Existing Structures.

a. Any structure in a DRC zone that would exceed the eighty-five (85) foot maximum height limit shall incorporate the existing exterior street front facade(s) of each of the structures listed below, if any, located on the lot of that project. The City Council finds that these structures are significant to the architecture, history and character of downtown. The Director may permit changes to the exterior facade(s) to the extent that significant features are preserved and the visual integrity of the design is maintained. The degree of exterior preservation required will vary, depending upon the nature of the project and the characteristics of the affected structure(s).

b. The Director shall evaluate whether the manner in which the façade is proposed to be preserved meets the intent to preserve the architecture, character and history of the Retail Core. If a structure on the lot is a Landmark structure, approval by the Landmarks Preservation Board for any proposed modifications to controlled features is required prior to a decision by the Director to allow or condition additional height for the project. The Landmarks

Preservation Board's decision shall be incorporated into the Director's decision. Inclusion of a structure on the list below is solely for the purpose of conditioning additional height under this subsection, and shall not be interpreted in any way to prejudge the structure's merit as a Landmark:

Sixth and Pine Building	523 Pine Street
Decatur	1513-6th Avenue
Coliseum Theater	5th and Pike
Seaboard Building	1506 Westlake Avenue
Fourth and Pike Building	1424-4th Avenue
Pacific First Federal Savings	1400-4th Avenue
Joshua Green Building	1425-4th Avenue
Equitable Building	1415-4th Avenue
Mann Building	1411-3rd Avenue
Olympic Savings Tower	217 Pine Street
Fischer Studio Building	1519-3rd Avenue
Bon Marche (Macy's)	3rd and Pine
Melbourne House	1511 - 3rd Avenue
Former Woolworth's Building	1512 - 3rd Avenue

c. The restrictions in this subsection 4 are in addition to, and not in substitution for, the requirements of the Landmarks Ordinance, SMC Chapter 25.12.

((~~5. Any structure on a lot on either of the two half blocks abutting the east side of 2nd Avenue, between Pine and Union Streets, that qualifies for the one hundred fifty (150) foot height limit under subsection A3 of this section, is allowed a height limit of one hundred~~

~~ninety-five (195) feet if all portions of the structure above eighty-five (85) feet in height contain only residential use.~~))

((~~6. A structure on any lot in the Denny Triangle Urban Village, as shown on Map 23.49.041A, may gain up to an additional thirty (30) percent in height if credit floor area is allowed pursuant to Section 23.49.041 , City/County Transfer of Development Credits Program. The maximum height that may be allowed is one hundred thirty (130) percent of the maximum structure height.~~))

((~~7.~~)) 5. The height of ((~~R~~))rooftop features, as provided in subsection C, ((~~are~~))is allowed to exceed the maximum structure height ((~~in addition to the extra height permitted under this subsection~~)).

B. Height in ((~~In~~)) Downtown Mixed Residential (DMR) zones and in Downtown Mixed Commercial (DMC) zones that have a lower and higher maximum height limit established on the Official Land Use Map ((~~height~~)) is((~~shall be~~)) regulated as follows:

1. No structure ((~~which~~))that contains only nonresidential or live-work uses, and no portion of a mixed use structure ((~~which~~))that contains nonresidential or live-work uses, may ((~~extend beyond~~)) exceed the lower height limit established on the Official Land Use Map, except for rooftop features permitted by subsection C of this section.

2. Structures ((~~which~~))that contain only residential uses, and portions of mixed use structures ((~~which~~))that contain only residential uses, may extend to the higher height limit established on the Official Land Use Map.

C. Rooftop Features.

1. The following rooftop features are permitted with unlimited rooftop coverage and may not exceed the height limits as indicated:

a. Open railings, planters, clerestories, skylights, play equipment, parapets and firewalls up to four (4) feet above the maximum height limit;

b. Solar collectors up to seven (7) feet above the maximum height limit; and

c. The rooftop features listed below may extend up to fifty (50) feet above the roof of the structure on which they are located or fifty (50) feet above the maximum height limit, whichever is less, except as regulated by Chapter 23.64, Airport Height Overlay District:

(1) Religious symbols for religious institutions,

(2) Smokestacks, and

(3) Flagpoles.

They shall be located a minimum of ten (10) feet from all lot lines.

2. The following rooftop features are permitted as long as the combined coverage of all features does not exceed twenty (20) percent of the roof area, or twenty-five (25) percent if the total includes stair or elevator penthouses or screened mechanical equipment. ((~~Except in the PMM zone, additional~~)) Additional combined coverage of all rooftop features, not to exceed thirty-five (35) percent of the roof area, may be permitted through the design review process for development standard departures in Section 23.41.012.

a. The following rooftop features are permitted to extend up to fifteen (15) feet above the maximum height limit:

(1) Solar collectors;

(2) Stair penthouses;

(3) Play equipment and open-mesh fencing, as long as the fencing is at least fifteen (15) feet from the roof edge;

(4) Covered or enclosed common recreation area;

(5) (((~~(4)~~))) Mechanical equipment; and

(6) (((~~(5)~~))) Mechanical equipment, whether new or replacement, may be allowed up to fifteen (15) feet above the roof elevation of a structure existing prior to June 1, 1989.

b. Elevator penthouses are permitted to extend beyond the maximum height limit as follows:

(1) In the PMM zone, up to fifteen (15) feet above the maximum height limit for the zone;

(2) Except in the PMM zone, up to twenty-three ((~~20~~)) (23) feet above the maximum height limit for a penthouse designed for an elevator cab up to eight (8) feet high; or

(3) Except in the PMM zone, up to twenty-((~~two~~))five ((~~22~~))(25) feet above the maximum height limit for a penthouse designed for an elevator cab more than eight (8) feet high.

c. Minor communication utilities and accessory communication devices, regulated according to Section 23.57.013, shall be included within the maximum permitted rooftop coverage.

3. Screening of Rooftop Features.

a. Measures may be taken to screen rooftop features from public view through the design review process or, if located within the Pike Place Market Historical District, by the Market Historical Commission.

b. Except in the PMM zone, the amount of roof area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of all rooftop features as provided in subsection C2 of this section.

c. Except in the PMM zone, in no circumstances shall the height of rooftop screening exceed ten (10) percent of the maximum structure height of the zone in which the structure is located, or fifteen (15) feet, whichever is greater. In the PMM zone, the height of the screening shall not exceed the height of the rooftop feature being screened, or such greater height necessary for effective screening as determined by the Pike Place Market Historical Commission.

4. Administrative Conditional Use for Rooftop Features. The rooftop features listed in subsection C1c of this section may exceed a height of fifty (50) feet above the roof of the structure on which they are located if authorized by the Director through an administrative conditional use, Chapter 23.76. The request for additional height shall be evaluated on the basis of public benefits provided, the possible impacts of the additional height, consistency with the City's land use policies, and the following specific criteria:

a. The feature shall be compatible with and not adversely affect the downtown skyline.

b. The feature shall not have a substantial adverse effect upon the light, air, solar and visual access of properties within a three hundred (300) foot radius.

c. The feature, supporting structure and structure below shall be compatible in design elements such as bulk, profile, color and materials.

d. The increased size is necessary for the successful physical function of the feature, except for religious symbols.

5. Residential Penthouses Above Height Limit in DRC Zone.

a. A residential penthouse exceeding the maximum allowable height shall be permitted in the DRC zone only on a mixed-use, City-designated Landmark structure for which a certificate of approval by the Landmarks Preservation Board is required. A residential penthouse allowed under this section may cover a maximum of fifty (50) percent of the total roof surface. Except as the Director may allow under subsection C5b of this section:

(1) A residential penthouse allowed under this subsection shall be set back a minimum of fifteen (15) feet from the street property line.

(2) A residential penthouse may extend up to eight (8) feet above the roof, or twelve (12) feet above the roof when set back a minimum of thirty (30) feet from the street property line.

b. If the Director determines, after a sight line review based upon adequate information submitted by the applicant, that a penthouse will be invisible or minimally visible from public streets and parks within three hundred (300) feet from the structure, the Director may allow one or both of the following:

(1) An increase of the penthouse height limit under subsection C5a of this section by an amount up to the average height of the structure's street-facing parapet; or

(2) A reduction in the required setback for a residential penthouse.

c. The Director's decision to modify development standards pursuant to subsection C5b must be consistent with the certificate of approval from the Landmarks Preservation Board.

d. A residential penthouse allowed under this section shall not exceed the maximum permitted height that could be permitted in the DRC zone ((~~by the City Council as provided in~~)) under Section 23.49.008 ((~~A1~~)).

e. No rooftop features shall be permitted on a residential penthouse allowed under this subsection C5.

6. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.013.

Section 8. Section 23.49.009 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is hereby repealed.

Section 9. Subchapter I of Section 23.49 is amended to add the following new section:

23.49.009 Street-level use requirements.

One or more of the uses listed in subsection A are required at street level on all lots abutting streets designated on Map 1G. Required street-level uses shall meet the standards of this section.

A. Types of Uses. The following uses qualify as required street-level uses:

1. Retail sales and services, except lodging;

2. Human service uses and childcare facilities;

3. Customer service offices;

4. Entertainment uses;

5. Museums, and administrative offices within a museum expansion space meeting the requirement of subsection 23.49.011 B1h;

6. Libraries; and

7. Public atriums.

B. General Standards.

1. A minimum of seventy-five (75) percent of each street frontage at street-level where street level uses are required must be occupied by uses listed in subsection A. The remaining twenty-five (25) percent of the street frontage at street level may contain other permitted uses and/or pedestrian or vehicular entrances. The frontage of any exterior public open space that qualifies for a floor area bonus, whether it receives a bonus or not, any eligible lot area of an Open Space TDR site, any outdoor common recreation area required for residential uses, or any open space required for office uses, is not counted in street frontage.

2. In the DRC zone, no more than twenty (20) percent of the total street frontage of the lot may be occupied by human service uses, childcare facilities, customer service offices, entertainment uses or museums.

3. Required street-level uses shall be located within ten (10) feet of the street property line or shall abut a bonused public open space. When sidewalk widening is required by Section 23.49.022, the ten (10) feet shall be measured from the line established by the new sidewalk width.

4. Except for childcare facilities, pedestrian access to required street-level uses shall be provided directly from the street, a bonused public open space, or other publicly accessible open space. Pedestrian entrances shall be located no more than three (3) feet above or below sidewalk grade or shall be at the same elevation as the abutting public open space.

5. Overhead weather protection. The entire length of facade where street-level uses are required must include overhead weather protection at street level meeting the following standards:

a. Overhead weather protection must have a minimum dimension of six (6) feet measured horizontally from the building wall or must extend to a line two (2) feet from the curb line, whichever is less;

b. A minimum of one-half (1/2) of the overhead weather protection, for the entire length of facade where protection is required, must be over the public right-of-way or a widened sidewalk on private property;

c. The applicant will not install any obstructions in the sidewalk area as part of the structure of the overhead weather protection;

d. The lower edge of the overhead weather protection must be a minimum of eight (8) feet and a maximum of twelve (12) feet above the sidewalk for projections of up to six (6) feet measured horizontally from the facade and a minimum of ten (10) feet and a maximum of fifteen (15) feet for projections greater than six (6) feet measured horizontally from the facade;

e. Overhead weather protection must be continuous where feasible.

Section 10. Section 23.49.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 11. Subchapter I of Section 23.49 is amended to add the following new section:

23.49.010 General requirements for residential use.

A. Reserved.

B. Common Recreation Area. Common recreation area is required in all new structures containing more than twenty (20) dwelling units. Required common recreation area shall meet the following standards:

1. An area equivalent to five (5) percent of the total gross floor area in residential use, excluding any floor area in residential use gained in a project through a voluntary agreement for affordable housing for low-income households per SMC 23.49.015, shall be provided as common recreation area. In no instance shall the amount of required common recreation area exceed the area of the lot. The common recreation area shall be available to all residents and may be provided at or above ground level.

2. A maximum of fifty (50) percent of the common recreation area may be enclosed.

3. The minimum horizontal dimension for required common recreation areas shall be fifteen (15) feet, except for open space provided as landscaped setback area at street level, which shall have a minimum horizontal dimension of ten (10) feet. No required common recreation area shall be less than two hundred twenty-five (225) square feet.

4. Common recreation area that is provided as publicly accessible open space at street level or areas visible from the street and resulting in the modulation of portions of street facing facades between street level and a height of eighty-five (85) feet shall be counted as twice the actual area in determining the amount provided to meet the common recreation area requirement.

5. Parking areas, driveways and pedestrian access, except for pedestrian access meeting the Washington State Rules and Regulations for Barrier Free Design, shall not be counted as common recreation area.

6. In PSM zones, the Director of the Department of Neighborhoods, on recommendation of the Pioneer Square Preservation Board, may waive the requirement for

common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

7. In IDM and IDR zones, the Director of the Department of Neighborhoods, on recommendation of the International District Special Review District Board, may waive the requirement for common recreation area, pursuant to the criteria of Section 23.66.155, Waiver of common recreation area requirements.

8. For lots abutting designated Green Streets, up to fifty (50) percent of the common recreation area requirement may be met by contributing to the development of a Green Street. The Director may waive the requirement that the Green Street abut the lot and allow the improvement to be made to a Green Street located in the general vicinity of the project if such an improvement is determined to be beneficial to the residents of the project.

9. In lieu of providing common recreation area under this requirement (SMC 23.49.010), an owner may make a voluntary payment to the City pursuant to RCW 82.02.020 if the Director determines that the payment will contribute to the improvement of a Green Street or acquisition or development of public open space in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that the improvement is feasible within a reasonable time.

Section 12. Section 23.49.011 of the Seattle Municipal Code, which Section was last amended by Ordinance 121278, is amended as follows:

23.49.011 Floor area ratio.

A. General Standards.

1. The base and maximum floor area ratio (FAR) for each zone is provided in Chart 23.49.011 A1.

Chart 23.49.011 A1
Base and Maximum Floor Area Ratios (FARs)

Zone Designation	Base FAR((1))	Maximum FAR((*))
Downtown Office Core 1 (DOC1)	6	17((14))
Downtown Office Core 2 (((DOC 2))) (DOC2)	5	14 ((10))
Downtown Retail Core (DRC)	3	5
Downtown Mixed Commercial (DMC)	4 in 65' height district 4.5 in 85' height district 5 in 125', 160', 240'/400' and 340'/400' height districts	4 in 65' height district 4.5 in 85' height district 7 in 125', 160', and 240'/400' height districts 10 in 340'/400' height districts
Downtown Mixed Residential/Residential (DMR/R)	1 in 85'/65' height district 1 in 125'/65' height district 1 in 240'/65' height district	1 in 85'/65' height district 2 in 125'/65' height district 2 in 240'/65' height district
Downtown Mixed Residential/Commercial (DMR/C)	1 in 85'/65' height district 1 in 125'/65' height district 2 in 240'/125' height district	4 in 85'/65' height district 4 in 125'/65' height district 5 in 240'/125' height district
Pioneer Square Mixed (PSM)	N.A.	N.A.
International District Mixed (IDM)	3, except hotels 6 for hotels	3, except hotels 6 for hotels
International District Residential (IDR)((*))	1	2 when 50% or more of the total gross floor area on the lot is in residential use((.))
Downtown Harborfront 1 (DH1)	N.A.	N.A.
Downtown Harborfront 2 (DH2)	2.5	Development standards regulate maximum FAR.
Pike Market Mixed (PMM)	7	7

~~*Provisions for how to gain floor area above the base FAR are found in subsection 2 of this section and in Sections 23.49.012, 23.49.013 and 23.49.014.~~ N.A. = Not Applicable.

2. Chargeable floor area shall not exceed the applicable base FAR except as expressly authorized pursuant to the provisions of this chapter.

a. ((~~In DOC1 and DOC2 zones the first one (1) FAR above the base FAR may be gained, at the applicant's option, by any combination of the following: providing one of the amenity features listed in Section 23.49.013, subject to the limits and conditions in that section; providing short-term parking meeting the basic standards in the Public Benefit Features Rule, where such parking is eligible pursuant to Map 1N; providing retail sales and service or~~

~~entertainment uses as street-level uses meeting the requirements of Section 23.49.025, where such uses are eligible as indicated on Map 1N; or using development rights transferred from an open space TDR site or Landmark TDR site pursuant to Section 23.49.014. An applicant using the option allowed under this subsection A2a may achieve additional chargeable floor area consistent with subsections A2d through A2g of this section.~~))In DOC1, DOC2 and DMC zones allowing FAR above the base FAR, the first increment of FAR above the base FAR, shown for each zone on Chart 23.49.011 A.2, shall be gained by achieving LEED Core & Shell or LEED NC certification, or an equivalent standard approved by the Director as a special exception.

Chart 23.49.011 A.2

ZONE	**First increment of FAR above the base FAR achieved through LEED Certification**
DOC1	1.0
DOC2	0.75
DMC 340/400	0.50
DMC 125, 160, 240/400	0.25

b. ((~~In the DMC zone chargeable floor area above the base FAR may be achieved, at the applicant's option, by qualifying for bonuses pursuant to Section 23.49.126, Downtown Mixed Commercial, ratios for public benefit features. Such option may be exercised only by election in writing by the applicant as part of the original application for a Master Use Permit, or within sixty (60) days of the effective date of Ordinance 120443, for the project that will use such bonus. An applicant making such election shall not be granted bonus floor area for the lot pursuant to Sections 23.49.012 or 23.49.013, but may use TDR consistent with Section 23.49.014. An applicant making such election thereby also elects to have the optional exemptions under subsection B3 of this section, and not those in subsection B1, apply in~~

~~determining chargeable floor area.~~))In DOC1((~~and~~)), DOC2, and DMC zones, additional chargeable floor area above the first increment of FAR that exceeds the base FAR may be obtained only by qualifying for floor area bonuses pursuant to Section 23.49.012 or 23.49.013, or by the transfer of development rights pursuant to Section 23.49.014, or both, except as provided in subsections A2c through A2g of this section.

((~~c. On lots zoned DOC1 and DMC chargeable floor area above the base FAR may be achieved by using within-block TDR pursuant to Section 23.49.014, Transfer of development rights (TDR), and by meeting the requirements of subsections A2d through A2g of this section.~~))

((~~d. Except as provided in subsection A2a, A2b, and A2c of this section, additional chargeable floor area above the base FAR may be achieved only by qualifying for bonuses pursuant to Sections 23.49.012 or 23.49.013, or by the transfer of development rights pursuant to Sections 23.49.014, or both, subject to the limits of this chapter and to any other applicable conditions and limitations.~~))

((e))c. In no event shall the use of bonuses or TDR be allowed to result in chargeable floor area in excess of the maximum as set forth in Chart 23.49.011A1, except that a structure on a lot ((~~zoned both DOC1 and DMC may exceed the floor area ratio permitted in either zone, provided the chargeable floor area on the lot as a whole does not exceed the combined total permitted chargeable floor area.~~))in a combined lot development, as permitted in Section 23.49.041, may exceed the floor area ratio otherwise permitted on that lot, provided the chargeable floor area on all lots included in the combined lot development as a whole does not exceed the combined total permitted chargeable floor area.

((~~f~~))d. Except as otherwise provided in this subsection A2((~~f~~))d, not less than five (5) percent of all floor area above the base FAR to be gained on any lot, excluding any floor area gained under subsection A2a ((~~or A2e~~))of this Section, shall be gained through the transfer of Landmark TDR, to the extent that Landmark TDR is available. Landmark TDR shall be considered "available" only to the extent that, at the time of the Master Use Permit application to gain the additional floor area, the City of Seattle is offering Landmark TDR for sale, at a price per square foot no greater than the total bonus contribution under Section 23.49.012 for a project using the cash option for both housing and childcare facilities. An applicant may satisfy the minimum Landmark TDR requirement in this section by purchases from private parties, by transfer from an eligible sending lot owned by the applicant, by purchase from the City, or by any combination of the foregoing. This subsection A2d((~~f~~)) does not apply to any lot in a DMR zone. ((~~, or to any lot in a DMC zone for which an election has been made under subsection A2b of this section.~~))

((~~g~~))e. On any lot except a lot in a DMR zone ((~~or a DMC zone for which an election has been made under subsection A2b of this section~~)), the total amount of chargeable floor area gained through bonuses under Section 23.49.012, together with any ((~~h~~))Housing TDR and Landmark Housing TDR used for the same project, shall equal seventy-five (75) percent of the amount, if any, by which the total chargeable floor area to be permitted on the lot exceeds the sum of (i) the base FAR, as determined under this section and Section 23.49.032 if applicable, plus (ii) any chargeable floor area gained on the lot pursuant to subsection A2a ((~~or A2e~~)) of this section. The remaining twenty-five (25) percent shall be gained through other bonuses or other TDR, or both, consistent with this chapter.

((~~h~~))f. In order to gain chargeable floor area on any lot in a DMR zone, an applicant may (i) use any types of TDR eligible under this chapter in any proportions, or (ii) use bonuses under Section 23.49.012 or 23.49.013, or both, subject to the limits for particular types of bonus under Section 23.49.013, or (iii) combine such TDR and bonuses in any proportions.

g. On any lot in a DMC zone allowing a maximum FAR of seven (7), in addition to the provisions of subsection 2e above, an applicant may gain chargeable floor area above the first increment of FAR above the base FAR through use of DMC Housing TDR, or any combination of DMC Housing TDR with floor area gained through other TDR and bonuses as prescribed in subsection 2e.

((~~i. Bonuses for street-level uses may be allowed only pursuant to subsection A2a or A2b of this section. Bonuses for short-term parking may be allowed only pursuant to subsection A2a of this section. The bonus ratio for street-level uses is three square feet of floor area granted per one square foot (3:1) of bonus feature. The bonus ratio for short-term parking is one (1) square foot of floor area granted per one (1) square foot (1:1) of bonus feature up to a maximum of two hundred (200) parking spaces for above-grade parking and is two (2) square feet of floor area granted per one (1) square foot (2:1) of bonus feature for below grade parking up to a maximum of two hundred (200) parking spaces. Ratios and limits for the other features for which a bonus may be granted under subsection A2a are in Section 23.49.013.~~))

B. Exemptions and Deductions from FAR Calculations.

1. The following are not included in chargeable floor area, except as specified below in this section:

a. Retail sales and service uses and entertainment use in the DRC zone, up to a maximum FAR of two (2) for all such uses combined;

b. Street-level uses meeting the requirements of Section ((~~23.49.025~~)) 23.49.009, Street-level use requirements, whether or not street-level use is required pursuant to Map 1G, if the uses and structure also satisfy the following standards:

(1) The street level of the structure containing the exempt space must have a minimum floor to floor height of thirteen (13) feet;

(2) The street level of the structure containing the exempt space must have a minimum depth of fifteen (15) feet;

(3) Overhead weather protection is provided satisfying the provisions of ((~~23.49.025~~)) Section 23.49.009 B5.

c. ((~~In the DRC zone, shopping corridors and retail atriums~~)) Shopping corridor, shopping atrium, and major retail store in the DRC zone and adjacent areas shown on Map 1J;

d. ((~~Child care~~))Childcare;

e. Human service use;

f. Residential use, except in the PMM and DH2 zones;

g. Live-work units, except in the PMM and DH2 zones;

h. Museums, and the floor area identified as expansion space for the museum, where such expansion space satisfies the following:

(((~~1.~~))) (1) The floor area that will contain the museum expansion space is owned by the museum or a museum development authority; and

(((~~2.~~))) (2) The museum expansion space will be occupied by a museum, existing as of October 31, 2002 on a downtown zoned lot; and

(((~~3.~~))) (3) The museum expansion space is physically designed in conformance with the Seattle Building Code standards for museum use either at the time of original configuration or at such time as museum expansion is proposed.

i. Performing arts theaters;

j. Floor area below grade;

k. Floor area that is used only for short-term parking or parking accessory to residential uses, or both, subject to a limit on floor area used wholly or in part as parking accessory to residential uses of one (1) parking space for each dwelling unit on the lot with the residential use served by the parking;

l. All gross floor area used for accessory parking in DMC zones allowing a maximum FAR of 7 or less.

((~~l.~~))m. Floor area of a public benefit feature that would be eligible for a bonus on the lot where the feature is located. The exemption applies regardless of whether a floor area bonus is obtained, and regardless of maximum bonusable area limitations;

((~~m.~~))n. Public restrooms and public restrooms with shower facilities; ((~~and~~))

((~~n.~~))o. All gross floor area of a monorail station, including all floor area open to the general public during normal hours of station operation (but excluding retail or service establishments to which public access is limited to customers or clients, even where such establishments are primarily intended to serve monorail riders).

2. As an allowance for mechanical equipment, three and one-half (3 1/2) percent of the gross floor area of a structure shall be deducted in computing chargeable gross floor area. The allowance shall be calculated on the gross floor area after all exempt space permitted under subsection B1((~~, or B3 if applicable,~~)) has been deducted. Mechanical equipment located on the roof of a structure, whether enclosed or not, shall be calculated as part of the total gross floor area of the structure, except that for structures existing prior to June 1, 1989, new or replacement mechanical equipment may be placed on the roof and will not be counted in gross floor area calculations.

((~~3. In lieu of the exemptions allowed in subsection B1 of this section, an applicant may elect in writing, at the time of filing of an original master use permit application that involves the proposed addition or change of use of floor area on any lot wholly within a DMC zone on which no bonus floor area has been or is proposed to be gained under Section 23.49.012 or Section 23.49.013, that the following areas on such lot shall be exempt from base and maximum FAR calculations:~~

~~a. All gross floor area in residential use, except on lots from which development rights have been or are transferred;~~

~~b. All gross floor area below grade;~~

~~c. All gross floor area used for accessory parking;~~

~~d. The gross floor area of public benefit features, other than housing, that satisfy the requirements of Section 23.49.126, ratios for public benefit features, or that satisfy the requirements for a FAR bonus amenity allowable to a structure in a DOC1 or DOC2 zone for an off-site public benefit feature, and, in either case, satisfy the Public Benefit Features Rule,~~

~~whether granted a floor area bonus or not, regardless of the maximum bonusable area limitation.~~))

Section 13. Section 23.49.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.012 Bonus floor area for voluntary agreements for housing and ((~~child care~~)) <u>childcare</u>.

A. General Provisions

1. The purpose of this section is to ((~~allow chargeable floor area above the base FAR when the applicant by voluntary agreement provides, funds or partially funds public benefit features or capital projects that mitigate a portion of the impacts of higher-density development~~))<u>encourage development in addition to that authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts from the bonus development are mitigated.</u> ((~~The City has determined that a major impact of such development is the increased need for low income and low moderate income affordable housing downtown to serve workers in lower-paid jobs and their families attracted by the development. The general intent of this section is that voluntary agreements for bonus floor area shall mitigate impacts, with primary emphasis on housing.~~))<u>Two impacts from such development are an increased need for affordable housing downtown to house the families of workers having lower-paid jobs and an increased need for childcare for downtown workers.</u>

<u>If an applicant elects to seek approval of bonus development pursuant to this section, the applicant must execute a voluntary agreement with the City in which the applicant agrees to provide mitigation for such impacts. The mitigation may be provided by directly building the</u>

requisite affordable housing or childcare facilities (the "performance option"), by paying the City to build or provide the housing and childcare facilities (the "payment option"), or by a combination of the performance and payment options.

((~~2. There shall be a voluntary agreement between the applicant and the City with respect to all floor area earned pursuant to this section. The agreement commits the applicant to provide eligible bonus features ("performance option"), or to make payments to the City to fund such features ("cash option"), or a combination of both the cash option and the performance option, in amounts sufficient to qualify for the amount of floor area desired.~~))

((~~3~~))2. No bonus floor area((~~ beyond the base FAR~~)) shall be granted to any proposed development ((~~for any project~~)) that would result in((~~cause~~)) significant alteration to any designated feature of a Landmark structure, unless((~~ a Certificate of Approval is granted by the Landmarks Preservation Board~~)) the alteration has been approved by the Landmarks Preservation Board.

B. Voluntary Agreements for Housing and ((~~Child Care~~)) Childcare. For each square foot of chargeable floor area above the base FAR to be earned under this section, the voluntary agreement shall commit the developer to provide or contribute to the following facilities in the following amounts:

1. Housing.

a. For each square foot of bonus floor area, housing serving specified income levels, or an alternative cash contribution, must be provided according to Chart 23.49.012 A.

b. For purposes of this subsection, a housing unit serves households up to an income level only if all of the following are satisfied for a period of fifty (50) years beginning

upon the issuance of a final certificate of ((~~acceptance~~)) occupancy by the ((~~Director of the Office of Housing~~)) Department of Planning and Development ((~~in accordance with subsection 23.49.012 B1i~~)):

(1) The housing unit is used as rental housing solely for households with incomes, at the time of each household's initial occupancy, not exceeding that level; and

(2) The monthly rent charged for the housing unit, together with a reasonable allowance for any basic utilities that are not included in the rent, does not exceed one-twelfth of thirty (30) percent of that income level as adjusted for the estimated size of household corresponding to the size of unit, in such manner as the Director of the Office of Housing shall determine;

(3) There are no charges for occupancy other than rent; and

(4) The housing unit and the structure in which it is located are maintained in decent and habitable condition, including adequate basic appliances, for such fifty (50) year period.

c. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus floor area if it is committed to serve one or more of the income groups referred to in this section pursuant to an agreement between the housing owner and the City executed and recorded prior to the issuance of the building permit for the construction of such housing or conversion of nonresidential space to such housing, but no earlier than three (3) years prior to the issuance of a master use permit for the project using the bonus floor area, and either:

(1) The housing unit is newly constructed, is converted from nonresidential use, or is renovated space that was vacant as of the date of this ordinance, on the lot using the bonus floor area, pursuant to the same master use permit as the project using the bonus floor area; or

(2) The housing is newly constructed, is converted from nonresidential use, or is renovated in a residential building that was vacant as of the date of this ordinance on a lot in a Downtown zone in compliance with the Public Benefit Features Rule, and:

The housing is owned by the applicant seeking to use the bonus; or

The owner of the housing has signed, and there is in effect, a linkage agreement approved by the Director of the Office of Housing allowing the use of the housing bonus in return for necessary and adequate financial support to the development of the housing, and either the applicant has, by the terms of the linkage agreement, the exclusive privilege to use the housing to satisfy conditions for bonus floor area; or the applicant is the assignee of the privilege to use the housing to satisfy conditions for bonus floor area, pursuant to a full and exclusive assignment, approved by the Director of the Office of Housing, of the linkage agreement, and all provisions of this section respecting assignments are complied with. If housing is developed in advance of a linkage agreement, payments by the applicant used to retire or reduce interim financing may be considered necessary and adequate support for the development of the housing.

d. Housing that is not yet constructed, or is not ready for occupancy, at the time of the issuance of a building permit for the project intending to use bonus floor area, may be considered to be provided by the applicant if, within three (3) years of the issuance of the first

building permit for such project, the ((~~Director of the Office of Housing~~)) Department of Planning and Development issues a final certificate of ((~~acceptance~~)) occupancy for such housing. Any applicant seeking to qualify for bonus floor area based on such housing shall provide to the City, prior to the date when a contribution would be due for the cash option under subsection C of this section, an irrevocable bank letter of credit or other sufficient security approved by the Director of the Office of Housing, and a related voluntary agreement, so that at the end of the three (3) year period, if the housing does not qualify or is not provided in a sufficient amount to satisfy the terms of this section, the City shall receive (i) a cash contribution for housing in the amount determined pursuant to this section after credit for any qualifying housing then provided, plus (ii) an amount equal to interest on such contribution, at the rate equal to the prime rate quoted from time to time by Bank of America, or its successor, plus three (3) percent per annum, from the date of issuance of the first building permit for the project using the bonus. If and when the City becomes entitled to realize on any such security, the Director of the Office of Housing shall take appropriate steps to do so, and the amounts realized, net of any costs to the City, shall be used in the same manner as cash contributions for housing made under this section. In the case of any project proposing to use bonus floor area for which no building permit is required, references to the building permit in this subsection shall mean the master use permit allowing establishment or expansion of the use for which bonus floor area is sought.

((~~e. Only the party named in the linkage agreement with the owner of the housing as having the privilege to use the housing to satisfy bonus conditions may assign that privilege, and any assignment must be absolute and irrevocable. No assignment by an assignee, whether to a new party or back to the assignor or housing owner, is permitted. The Director of the Office of Housing may require, as conditions to recognizing any assignment, that:~~

~~(1) The applicant obtain a written acknowledgment from the owner of the housing that the linkage agreement, as so assigned, is valid and effective;~~

~~(2) The assignor execute any documents deemed necessary by the Director of the Office of Housing to ensure that no party other than the permitted assignee has used, or will have any claim to use, the same housing to qualify for any floor area or development potential of any kind under any ordinance or other provision of law; and~~

~~(3) The owner and such assignor agree to indemnify and hold harmless the City and its officers and employees from any claims of the type described in subsection ii above and any damages from the City's refusal to honor such claims.~~))

e.((~~f.~~)) Nothing in this chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus floor area depend upon the regulations in effect at the relevant time for the project proposing to use such bonus floor area, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus floor area will be permitted based on such housing.

f.((~~g.~~)) The Director of the Office of Housing shall review the design and proposed management plan for any housing proposed under the performance option to determine whether it will comply with the terms of this section.

g.((~~h.~~) The Director of the Office of Housing is authorized to accept a voluntary agreement for the provision of housing and related agreements and instruments

consistent with this section. ((~~The Director of the Office of Housing is further authorized to issue a certificate of acceptance with respect to any housing units developed to satisfy the conditions of this rule when: the construction or rehabilitation of such housing units and the structure in which they are located has been completed; any necessary certificate of occupancy or final permit approval has been issued for the housing units; and either are rented consistent with this section or are vacant, ready for occupancy and offered for rent consistent with this section; and the owner of the housing provides such evidence of compliance with the requirements of this section and the Public Benefit Features Rule as the Director of the Office of Housing may require.~~))

h.((~~i.~~)) Any provision of any Director's rule notwithstanding, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the housing units shall continue to satisfy the requirements of this subsection throughout the required fifty (50) year period and that such compliance shall be documented annually to the satisfaction of the Director of the Office of Housing, and the owner of any project using such bonus floor area shall be in violation of this title if any such housing unit does not satisfy such requirements, or if satisfactory documentation is not provided to the Director of the Office of Housing, at any time during such period. The Director of the Office of Housing may provide by rule for circumstances in which housing units maybe replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide housing units under the terms of this subsection.

((~~j. Housing units that are provided to qualify for a bonus shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director.~~))

Chart 23.49.012 A

Income Level	Gross Square Feet of Housing	Cash Contribution*
Up to 30% of median income	0.01905335	$ 3.20
Up to 50% of median income	0.06058827	9.28
Up to 80% of median income	0.07614345	6.27
Total	0.15578507	18.75

* The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 – 84=100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The base year for the first such adjustment shall be 2001. In the alternative, the Director of the Office of Housing may adjust the cash contribution amounts based, on changes to commercial and/or housing development costs estimated in such manner as the Director deems appropriate. Any such adjustment to the cash contribution amounts may be implemented through a rule-making process.

j.((~~k.~~)) Housing units provided to qualify for a bonus, or produced with voluntary contributions made under this section, should comprise a range of unit sizes, including units suitable for families with children. The Housing Director is authorized to prescribe by rule minimum requirements for the range of unit sizes, by numbers of bedrooms, in housing provided to qualify for a bonus. The Housing Director shall take into account, in any such rule, estimated distributions of household sizes among low-income ((~~and low moderate income~~)) households. The Housing Director is further authorized to adopt policies for distribution of unit sizes in housing ((~~projects~~)) developments funded by contributions received under this section.

2. ((~~Child Care~~)) Childcare.

a. For each square foot of bonus floor area allowed under this section, in addition to providing housing or an alternative cash contribution pursuant to subsection B1, the

applicant shall provide fully improved ((~~child care~~)) childcare facility space sufficient for 0.000127 of a ((~~child care~~)) childcare slot, or a cash contribution to the City of Three Dollars and Twenty-five Cents ($3.25), to be administered by the Human Services Department. The Director of the Human Services Department may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem appropriate. The base year for the first such adjustment shall be 2001. The minimum interior space in the ((~~child care~~)) childcare facility for each ((~~child care~~)) childcare slot ((~~is one hundred (100) net rentable square feet.~~)) shall comply with all applicable state and local regulations governing the operation of licensed childcare providers. ((~~Child care~~)) Childcare facility space shall be deemed provided only if the applicant causes the space to be newly constructed or newly placed in ((~~child care~~)) childcare use after the submission of a permit application for the project intended to use the bonus floor area, except as provided in subsection B2b(6). If any contribution or subsidy in any form is made by any public entity to the acquisition, development, financing or improvement of any ((~~child care~~)) childcare facility, then any portion of the space in such facility determined by the Director of the Human Services Department to be attributable to such contribution or subsidy shall not be considered as provided by any applicant other than that public entity.

b. ((~~Child care~~)) Childcare space shall be provided on the same lot as the project using the bonus floor area or on another lot in a downtown zone and shall be contained in a ((~~child care~~)) childcare facility satisfying the following standards:

(1) The ((~~child care~~)) childcare facility and accessory exterior space must be approved for licensing by the State of Washington Department of Social and Health Services and any other applicable state or local governmental agencies responsible for the regulation of licensed childcare providers.

(2) At least twenty (20) percent of the number of ((~~child care~~)) childcare slots for which space is provided as a condition of bonus floor area must be reserved for, and affordable to, families with annual incomes at or below the ((~~federal d~~)) U.S. Department of Housing and Urban Development Low Income Standard for Section 8 Housing based on family size (or, if such standard shall no longer be published, a standard established by the Human Services Director based generally on eighty (80) percent of the median ((~~family~~)) income of the Metropolitan Statistical Area, or division thereof, that includes Seattle, adjusted for family size). ((~~Child care~~)) Childcare slots shall be deemed to meet these conditions if they serve, and are limited to, (a) children receiving ((~~child care~~)) childcare subsidy from the City of Seattle, King County or State Department of Social and Health Services, and/or (b) children whose families have annual incomes no higher than the above standard ((~~that~~)) who are charged according to a sliding fee scale such that the fees paid by any family do not exceed the amount it would be charged, exclusive of subsidy, if the family were enrolled in the City of Seattle ((~~Child care~~)) Childcare Subsidy Program.

(3) ((~~Child care~~)) Childcare space provided to satisfy bonus conditions shall be dedicated to ((~~child care~~)) childcare use, consistent with the terms of this section, for twenty years. The dedication shall be established by a recorded covenant, running with the land, and enforceable by the City, signed by the owner of the lot where the ((~~child care~~)) childcare facility is located and by the owner of the lot where the bonus floor area is used, if

different from the lot of the ((~~child care~~)) childcare facility. The ((~~child care~~)) childcare facility shall be maintained in operation, with adequate staffing, at least eleven (11) hours per day, five (5) days per week, ((~~forty-eight (48)~~)) fifty (50) weeks per year.

(4) ((~~The minimum area of the child care facility shall be six thousand (6,000) square feet of net rentable floor area plus two thousand (2,000) square feet of exterior space suitable as recreation area accessory to the interior child care space and dedicated to such use during daytime hours on all days when the child care facility is in operation or is required to be open.~~)) Exterior space for which a bonus is or has been allowed under any other section of this title or under former Title 24 shall not be eligible to satisfy the conditions of this section. ((~~The Director of the Human Services Department may approve exceptions to the minimum space requirement based on review of the management plan and an assessment of the economic feasibility of operating a smaller child care facility.~~))

(5) Unless the applicant is the owner of the ((~~child care~~)) childcare space and is a duly licensed and experienced ((~~child care~~)) childcare provider approved by the Director of the Human Services Department, the applicant shall provide to the Director a signed agreement, acceptable to such Director, with a duly licensed ((~~child care~~)) childcare provider, under which the ((~~child care~~)) childcare provider agrees to operate the ((~~child care~~)) childcare facility consistent with the terms of this section and of the recorded covenant, and to provide reports and documentation to the City to demonstrate such compliance. ((~~The agreement shall have an initial term of no less than three (3) years and shall require both parties to notify the Director of the Human Services Department at least ninety (90) days in advance of the its expiration, if not renewed, or any termination.~~))

(6) One (1) ((~~child care~~)) childcare facility may fulfill the conditions for a bonus for more than one (1) project if it includes sufficient space, and provides sufficient slots affordable to limited income families, to satisfy the conditions for each such project without any space or ((~~child care~~)) childcare slot being counted toward the conditions for more than one (1) project. If the ((~~child care~~)) childcare facility is located on the same lot as one of the projects using the bonus, then the owner of that lot shall be responsible for maintaining compliance with all the requirements applicable to the ((~~child care~~)) childcare facility; otherwise responsibility for such requirements shall be allocated by agreement in such manner as the Director of the Human Services Department may approve. If a ((~~child care~~)) childcare facility developed to qualify for bonus floor area by one applicant includes space exceeding the amount necessary for the bonus floor area used by that applicant, then to the extent that the voluntary agreement accepted by the Director of the Human Services Department from that applicant so provides, such excess space may be deemed provided by the applicant for a later project pursuant to a new voluntary agreement signed by both such applicants and by any other owner of the ((~~child care~~)) childcare facility, and a modification of the recorded covenant, each in form and substance acceptable to such Director.

c. The Director of the Human Services Department shall review the design and proposed management plan for any ((~~child care~~)) childcare facility proposed to qualify for bonus floor area to determine whether it will comply with the terms of this section. The allowance of bonus floor area is conditioned upon approval of the design and proposed management plan by the Director. The ((~~child care~~)) childcare facility shall be constructed consistent with the design approved by such Director and shall be operated for the minimum twenty (20) year term consistent with the management plan approved by such Director, in each

case with only such modifications as shall be approved by such Director. If the proposed management plan includes provisions for payment of rent or occupancy costs by the provider, the management plan must include a detailed operating budget, staffing ratios, and other information requested by the Director to assess whether the ((~~child care~~)) childcare facility may be economically feasible and able to deliver quality services.

d. The Director of the Human Services Department is authorized to accept a voluntary agreement for the provision of a ((~~child care~~)) childcare facility to satisfy bonus conditions and related agreements and instruments consistent with this section. The voluntary agreement may provide, in case a ((~~child care~~)) childcare facility is not maintained in continuous operation consistent with this subsection B2 at any time within the minimum twenty (20) year period, for the City's right to receive payment of a prorated amount of the alternative cash contribution that then would be applicable to a new project seeking bonus floor area. Such Director may require security or evidence of adequate financial responsibility, or both, as a condition to acceptance of an agreement under this subsection.

Section 14. Section 23.49.013 of the Seattle Municipal Code, which Section was enacted by Ordinance 120443, is amended to read as follows:

23.49.013 Bonus floor area for amenity features.

A. An applicant may achieve a portion of the chargeable floor area to be built in addition to ((~~over~~)) base FAR through bonuses for amenities, subject to the limits in this chapter. Amenities for which bonuses may be allowed are limited to:

1. Public open space amenity, including hillside terrace on sites shown as eligible for bonuses on Map 1J, urban plaza in DOC1, DOC2 and DMC 340/400 zones, parcel park in

DOC1, DOC2, DMC, and DMR zones, public atrium in DOC1, DOC2, and DMC 340/400 zones, green street improvement, and green street setback on designated green streets;

2. Hillclimb assist, or shopping corridor ((~~, or transit tunnel station access~~)) may be provided on sites shown as eligible for these respective bonuses on Map 1J((~~K~~));

3. Human services uses as follows:

a. Information and referral for support services;

b. Health clinics;

c. Mental health counseling services;

d. Substance abuse prevention and treatment services;

e. Consumer credit counseling;

f. Day care services for adults;

g. Jobs skills training services.

4. Public restrooms and public restrooms with shower facilities.

5. For a project in a DOC1 or DOC2 zone, restoration and preservation of Landmark performing arts theaters.

6. Transit station access for fixed rail transit facilities, including light rail and monorail.

B. Standards for Amenity Features.

1. Location of Amenity Features. Amenity features must be located on the lot using the bonus, except as follows:

a. Green street improvements may be located within an abutting right-of-way subject to applicable Director's rules.

b. An open space feature, other than green street improvements, may be on a lot other than the lot using the bonus, provided that it is within a Downtown zone and all of the following conditions are satisfied:

(1) The open space must be open to the public without charge, must meet the standards of the Public Benefit Features Rule, and must be one of the open space features cited in subsection A1 of this section, unless the Director authorizes the acquisition and/or improvement of an equivalent public open space identified in a Downtown open space plan that is sufficient to mitigate the impact of the project and is dedicated to public use.

(2) The open space must be within one-quarter (1/4) mile of the lot using the bonus.

(3) The open space must have a minimum contiguous area of five thousand (5,000) square feet, except as may be permitted in this section.

(4) Standards for the minimum size of off-site open space and maximum distance from the project may be modified by the Director if it is determined that such modifications will meet the additional need for open space caused by the project and improve public access to the open space.

(((~~(4)~~))(5) The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement or other instrument in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Public Benefit Features Rule.

c. Public restrooms shall be on a ground floor, except that public restrooms with shower facilities provided for the use of bicyclists may be located where they are easily accessible to parking facilities for bicycles; shall satisfy all codes and accessibility

standards; shall be open to the general public during hours that the structure is open to the public, although access may be monitored by a person located at the restroom facility; shall be maintained by the owner of the structure for the life of the structure that includes the bonused space; and shall be designated by signs sufficient so that they are readily located by pedestrians on an abutting street or public open space. The Director is authorized to establish standards for the design, construction, operation and maintenance of public restrooms and public restrooms with shower facilities qualifying for a bonus, consistent with the intent of this subsection to encourage the provision of accessible, clean, safe and environmentally sound facilities.

2. Options for Provision of Amenity Features.

a. Amenity features other than green street improvements must be provided by performance. The Director may accept a cash payment for green street improvements subject to the provisions of this section, the Public Benefit Features Rule and the Green Street Director's Rule, DR 11-93, if the Director determines that improvement of a green street abutting or in the vicinity of the lot within a reasonable time is feasible. The cash payment must be in an amount sufficient to improve fully one (1) square foot of green street space for each five (5) square feet of bonus floor area allowed for such payment.

b. Restoration and preservation of a Landmark performing arts theater may consist of financial assistance provided by the applicant for rehabilitation work on a Landmark performing arts theater, or for retirement of the cost of improvements made after February 5, 1993, if:

(1) The assistance is provided pursuant to a linkage agreement between the applicant and the owner of the Landmark performing arts theater satisfactory to the Director, in which such owner agrees to use such financial assistance to complete such

rehabilitation and agrees that the applicant is entitled to all or a portion of the bonus floor area that may be allowed therefore;

(2) The owner of the Landmark performing arts theater executes and records covenants enforceable by the City, agreeing to maintain the structure and the performing arts theater use, consistent with the Public Benefits Features Rule; and

(3) Prior to the issuance of any building permit after the first building permit for the project using the bonus, and in any event before any permit for any construction activity other than excavation and shoring is issued for that project, unless the rehabilitation work has then been completed, the applicant posts security for completion of that work, consistent with the Public Benefits Features Rule.

3. Ratios and limits. Public benefit features may be used to gain floor area according to the applicable ratios, and subject to the limits, in Section 23.49.011 and in this section.

((~~a. Bonuses for open space amenities smaller than five thousand (5,000) square feet each, including hillside terrace, urban plaza, parcel park, green street improvement, or public atrium, plus any bonuses for green street setbacks, shall not exceed in the aggregate one (1) FAR or fifteen (15) percent of the total chargeable floor area to be added above the base FAR, whichever is less.~~

~~b. Bonuses for open space amenities meeting the provisions of this chapter and the Public Benefit Features Rule and having an area of five thousand (5,000) square feet or greater shall not exceed in the aggregate twenty-five (25) percent of the total chargeable floor area to be added above the base FAR.~~))

a. The maximum bonusable area of open space amenities meeting the provisions of this chapter and the Public Benefit Features Rule is fifteen thousand (15,000) square feet per open space amenity.

((~~c.~~))b. A hillclimb assist or shopping corridor ((~~or transit tunnel station access~~)) may be provided on sites shown on Map 1((~~K~~)) J to gain 0.5 FAR for each amenity, regardless of the area of such amenity provided. The total bonus used on any lot from each of such types of amenity shall not exceed 0.5 FAR.

((~~d.~~))c. Bonuses for human service use may be allowed at a ratio of seven (7) square feet of floor area granted per one (1) square foot (7:1) of human service feature up to a maximum bonusable human service amenity of ten thousand (10,000) square feet in area.

((~~e.~~))d. The bonus ratio for open space amenities other than green street setbacks is five (5) square feet of floor area granted per one (1) square foot (5:1) of open space feature. Green street setback may be allowed at a ratio of one (1) square foot of floor area granted per one (1) square foot (1:1) of open space feature.

e. The bonus ratio for public restrooms and public restrooms with shower facilities shall be seven (7) square feet of floor area granted per one (1) square foot (7:1) of restroom.

f. Station access for fixed rail transit facilities, including the monorail and light rail tunnel, may be provided on a site to gain 1.0 FAR, regardless of the area of such amenity provided.

g. Any bonus for restoration and preservation of a Landmark performing arts theater shall not exceed ((~~the sum of any amount allowed pursuant to Section 23.49.011 A2a, plus~~)) a maximum of one (1) FAR. Such bonus may be allowed at a variable ratio, as described

in the Public Benefit Features Rule, of up to twelve (12) square feet of floor area granted per one (1) square foot (12:1) of performing arts theater space rehabilitated by the applicant, or previously rehabilitated so as to have a useful life at the time the bonus is allowed of no less than twenty (20) years, in each case consistent with any controls applicable to the Landmark performing arts theater and any certificates of approval issued by the Landmarks Preservation Board. For purposes of this subsection, performing arts theater space shall consist only of the following: stage; audience seating; theater lobby; backstage areas such as dressing and rehearsal space; the restrooms for audience, performers and staff; and areas reserved exclusively for theater storage. For any Landmark performing arts theater from which TDR has been ((~~or may be~~)) transferred, or that has received any public funding or subsidy for rehabilitation or improvements, the bonus ratio shall be limited, pursuant to a subsidy review, to the lowest ratio, as determined by the Housing Director, such that the benefits of the bonus, together with the value of any TDR and any public finding or subsidy, are no more than the amounts reasonably necessary to make economically feasible:

(1) The rehabilitation and preservation of the Landmark performing arts theater; and

(2) Any replacement by the owner of such theater of low-income housing ((~~or low to moderate income housing~~)) that is reasonably required to be eliminated from the lot of the Landmark performing arts theater to make rehabilitation, preservation and operation of the performing arts theater economically feasible.

4. Public Benefit Features Rule. Amenity features must satisfy the applicable provisions of the Public Benefit Features Rule in order to generate a bonus, except that the Director may allow departures from the provisions of the Public Benefit Features Rule if the

applicant can demonstrate that the feature provides at least an equivalent public benefit and better achieves the intent of the feature as described in this chapter and the Public Benefit Features Rule.

5. Open Space Amenity Features. Open space amenity features must be newly constructed on a lot in a Downtown zone in compliance with the applicable provisions of this chapter and the Public Benefit Features Rule.

6. Declaration. When amenity features are to be provided on-site for purposes of obtaining bonus floor area, the owner shall execute and record a declaration in a form acceptable to the Director identifying the features and the fact that the right, to develop and occupy a portion of the gross floor area on the site is based upon the long-term provision and maintenance of those features.

Section 15. Section 23.49.014 of the Seattle Municipal Code, which Section was last amended by Ordinance 120967, is amended as follows:

23.49.014 Transfer of development rights (TDR).

A. General Standards.

1. The following types of TDR may be transferred to the extent permitted in Chart 23.49.014A, subject to the limits and conditions in this Chapter:

a. Housing TDR;

b. DMC Housing TDR;

c. Landmark Housing TDR;

((~~b.~~))d. Landmark TDR; and

((~~c.~~))e. Open ((~~s~~))Space TDR.

2. In addition to transfers permitted under subsection Al, TDR may be transferred from any lot to another lot on the same block as within-block TDR, to the extent permitted in Chart 23.49.014A, subject to the limits and conditions in this chapter.

3. Location of Sending and Receiving Lots. A lot's eligibility to be either a sending or receiving lot is regulated by Chart 23.49.014A.

4. Except as expressly permitted pursuant to this chapter, development rights or potential floor area may not be transferred from one lot to another.

5. No permit after the first building permit, and in any event, no permit for any construction activity other than excavation and shoring or for occupancy of existing floor area by any use based upon TDR, will be issued for development that includes TDR until the applicant's possession of TDR is demonstrated according to rules promulgated by the Director to implement this section.

B. Standards for Sending Lots.

1. The maximum amount of floor area that may be transferred, except as ((~~open space~~)) Open Space TDR, Landmark TDR, or Landmark Housing TDR, from an eligible sending lot, except a sending lot in the PSM or IDM zones, is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of any ((~~existing~~)) chargeable gross floor area existing or, if a DMC Housing TDR site, to be developed on the sending lot, plus any TDR previously transferred from the sending lot.

a. The maximum amount of floor area that may be transferred from an eligible ((~~open space~~)) Open Space TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds the sum of (a) any existing chargeable gross floor area that is built on or over the eligible lot area on

the sending lot, plus (b) the amount, if any, by which the total of any other chargeable floor area on the sending lot exceeds the product of the base FAR of the sending lot, as provided in Section 23.49.011, multiplied by the difference between the total lot area and the eligible lot area, plus (c) any TDR previously transferred from the sending lot. The eligible lot area is the total area of the sending lot, reduced by the excess, if any, of the total of accessory surface parking over one-quarter (1/4) of the total area of the footprints of all structures on the sending lot; and for an ((~~open space~~)) Open Space TDR site, further reduced by any portion of the lot ineligible under Section ((~~23.49.027~~))23.49.016.

b. The maximum amount of floor area that may be transferred from an eligible Landmark Housing TDR site is the amount by which the product of the eligible lot area times the base FAR of the sending lot, as provided in Section 23.49.011, exceeds TDR previously transferred from the sending lot, if any.

c. The maximum amount of floor area that may be transferred from an eligible Landmark TDR site, when the chargeable floor area of the landmark structure is less than or equal to the base FAR permitted in the zone, is equivalent to the base FAR of the sending lot, minus any TDR that have been previously transferred. For landmark structures having chargeable floor area greater than the base FAR of the zone, the amount of floor area that may be transferred is limited to an amount equivalent to the base FAR of the sending lot minus the sum of (i) any chargeable floor area of the landmark structure exceeding the base FAR and (ii) any TDR that have been previously transferred.

2. When the sending lot is located in the PSM or IDM zone((~~s~~)), the gross floor area that may be transferred is six (6) FAR, minus the sum of any existing chargeable gross floor

area and any floor area in residential use on the sending lot, and further reduced by any TDR previously transferred from the sending lot.

3. When TDR are transferred from a sending lot in a zone with a base FAR limit, the amount of chargeable gross floor area that may then be built on the sending lot shall be equal to the area of the lot multiplied by the applicable FAR limit set in Section 23.49.011, minus the total of:

a. The existing chargeable floor area on the lot; plus

b. The amount of gross floor area transferred from the lot.

4. When TDR are sent from a sending lot in a PSM zone, the combined maximum chargeable floor area and residential floor area that may then be built on the sending lot shall be equal to the total gross floor area that could have been built on the sending lot consistent with applicable development standards as determined by the Director had no TDR been transferred, less the sum of:

a. The existing chargeable floor area on the lot; plus

b. The amount of gross floor area that was transferred from the lot.

5. Gross floor area allowed above base FAR under any bonus provisions of this title or the former Title 24, or allowed under any exceptions or waivers of development standards, may not be transferred. TDR may be transferred from a lot that contains chargeable floor area exceeding the base FAR only <u>if the TDR are from an eligible Landmark site, consistent with subsection B1c above, or</u> to the extent, if any, that:

a. TDR were previously transferred to such lot in compliance with the Land Use Code provisions and applicable rules then in effect;

b. Those TDR, together with the base FAR under Section 23.49.011, exceed the chargeable floor area on the lot and any additional chargeable floor area for which any permit has been issued or for which any permit application is pending; and

c. The excess amount of TDR previously transferred to such lot would have been eligible for transfer from the original sending lot under the provisions of this section at the time of their original transfer from that lot.

6. Landmark structures on sending lots from which Landmark TDR or Landmark Housing TDR are transferred shall be restored and maintained as required by the Landmarks Preservation Board, according to the procedures in the Public Benefit Features Rule.

7. Housing on lots from which ((~~h~~)) Housing TDR are transferred shall be ((~~restored~~))rehabilitated to the extent required to provide decent, sanitary and habitable conditions, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least fifty (50) years from the time of the TDR transfer, ((~~all~~))as approved by the Director of the Office of Housing. Landmark buildings on lots from which Landmark Housing TDR are transferred shall be rehabilitated to the extent required to provide decent, sanitary and habitable housing, in compliance with applicable codes, and so as to have an estimated minimum useful life of at least fifty (50) years from the time of the TDR transfer, as approved by the Director of the Office of Housing and the Landmarks Preservation Board. If ((~~h~~)) Housing TDR or Landmark Housing TDR are proposed to be transferred prior to the completion of work necessary to satisfy this subsection B7, the Director of the Office of Housing may require, as a condition to such transfer, that security be deposited with the City to ensure the completion of such work.

8. The housing units on a lot from which ((~~h~~)) Housing TDR, Landmark Housing TDR, or DMC Housing TDR are transferred, and that are committed to low-income housing ((~~or low-moderate income housing~~)) use as a condition to eligibility of the lot as a ((~~housing~~)) TDR sending lot ((~~site~~)), shall be generally comparable in their average size and quality of construction to other housing units in the same structure, in the judgment of the Housing Director, after completion of any rehabilitation or construction undertaken in order to qualify as a ((~~housing~~)) TDR sending lot ((~~site~~)).

C. Limit on within-block TDR.

Any receiving lot is limited to a gain of ((~~one (1) FAR or~~)) fifteen (15) percent of the floor area above the first increment of FAR above the base FAR, as specified in subsection 23.49.011A2a, ((~~, whichever is less,~~)) from TDR from sending lots that are eligible to send TDR solely because they are on the same block as the receiving lot.((~~; provided that this limitation shall not apply to within block TDR in the DMC and DOC1 zones for the purpose of building a structure that contains a museum or a museum expansion space that meets the requirements of subsection 23.49.011 B1g.~~))

D. Transfer of Development Rights Deeds and Agreements.

1. The fee owners of the sending lot shall execute a deed with the written consent of all holders of encumbrances on the sending lot, unless (in the case of TDR from a ((~~h~~))Housing TDR, Landmark Housing TDR or DMC Housing TDR site) such consent is waived by the Director of the Office of Housing for good cause, which deed shall be recorded in the King County real property records. When TDR are conveyed to the owner of a receiving lot described in the deed, then unless otherwise expressly stated in the deed or any subsequent instrument conveying such lot or the TDR, the TDR shall pass with the receiving lot whether or

not a structure using such TDR shall have been permitted or built prior to any conveyance of the receiving lot. Any subsequent conveyance of TDR previously conveyed to a receiving lot shall require the written consent of all parties holding any interest in or lien on the receiving lot from which the conveyance is made. If the TDR are transferred other than directly from the sending lot to the receiving lot using the TDR, then after the initial transfer, all subsequent transfers also shall be by deed, duly executed, acknowledged and recorded, each referring by King County recording number to the prior deed.

2. Any person may purchase any TDR that are eligible for transfer by complying with the applicable provisions of this section, whether or not the purchaser is then an applicant for a permit to develop downtown real property. Any purchaser of such TDR (including any successor or assignee) may use such TDR to obtain FAR above the applicable base on a receiving lot to the extent such use of TDR is permitted under the Land Use Code provisions in effect on the date of vesting, under applicable law, of such person's rights with respect to the issuance of permits for development of the project intended to use such TDR. The Director may require, as a condition of processing any permit application using TDR or for the release of any security posted in lieu of a deed for TDR to the receiving lot, that the owner of the receiving lot demonstrate that the TDR have been validly transferred of record to the receiving lot, and that such owner has recorded in the real estate records a notice of the filing of such permit application, stating that such TDR are not available for retransfer.

3. For transfers of ((~~h~~)) Housing TDR, Landmark Housing TDR, or DMC Housing TDR), the owner of the sending lot shall execute and record an agreement, with the written consent of all holders of encumbrances on the sending lot, unless such consent is waived by the Director of the Office of Housing for good cause, to provide for the maintenance of the

required housing on the sending lot for a minimum of fifty (50) years. Such agreement shall commit to limits on rent and occupancy, consistent with the definition of ((~~h~~)) Housing TDR site, Landmark Housing TDR site, or DMC Housing TDR site, as applicable, and acceptable to the Director of the Office of Housing.

4. For transfers of Landmark TDR or Landmark Housing TDR, the owner of the sending lot shall execute and record an agreement in form and content acceptable to the Landmarks Preservation Board providing for the restoration and maintenance of the historically significant features of the structure or structures on the lot.

5. A deed conveying TDR may require or permit the return of the TDR to the sending lot under specified conditions, but notwithstanding any such provisions:

Chart 23.49.014 A

	TDR Transferable Within-block	Types of TDR Transferable Within or Between Blocks			
Zones((*))[1]	Transfer from any lot within the same Downtown block	Housing TDR	DMC Housing TDR	Landmark TDR and Landmark Housing TDR	Open Space TDR
DOC1 and DOC2	S, R	S, R	X	S, R	S, R
DRC	S, R((**))[2]	S, R((**))[2]	X	S, R((**))[2]	S, R((**))[2]
DMC zones with maximum 10 FAR	S, R	S, R	S	S, R	S, R
DMC zones with maximum 7 FAR	X((****))[3]	S, R	S, R	S, R	S, R
DMC 85'	X	S, R	X	S, R	S, R
DMC 65'	X	S	X	S	S
DMR	X	S, R((* * *))[4]	X	S, R((* * *))[4]	S, R((* * *))[4]
IDM, IDR and PSM	X	S	X	X	X

S = Eligible sending lot. R = Eligible receiving lot. X = Not permitted.

((*))[1] Development rights may not be transferred to or from lots in the following zones: PMM; DH1 or DH2.

((**))[2] Transfers to lots in the DRC zone are permitted only from lots that also are zoned DRC.

((* * * *))[3] Transfers are permitted only from lots zoned DMC to lots zoned DOC1.

((* * *))[4] Transfers to lots in the DMR zone are permitted only from lots that also are zoned DMR.

a. The transfer of TDR to a receiving lot shall remain effective so long as any portion of any structure for which a permit was issued based upon such transfer remains on the receiving lot; and

b. The City shall not be required to recognize any return of TDR unless it is demonstrated that all parties in the chain of title have executed, acknowledged and recorded instruments conveying any interest in the TDR back to the sending lot and any ((~~lienholders~~)) lien holders have released any liens thereon.

6. Any agreement governing the use or development of the sending lot shall provide that its covenants or conditions shall run with the land and shall be specifically enforceable by The City of Seattle.

E. TDR Sales Before Base FAR Increases and Changes in Exemptions. Transfers of TDR from any lot from which a TDR transfer was made prior to the effective date of ((~~the~~)) ordinance 120443((~~codified in this chapter~~)) are limited to the amount of TDR available from such lot immediately prior to such date.

F. Projects Developed Under Prior Code Provisions.

1. Any project that is developed pursuant to a master use permit issued under the provisions of this title as in effect prior to the effective date of the ordinance codified in this chapter, which permit provides for the use of TDR, may use TDR that were transferred from the sending lot consistent with such prior provisions prior to such effective date.

2. In addition or in the alternative, such a project may use TDR that are transferred from a sending lot after the effective date of the ordinance codified in this chapter.

3. The use of TDR by any such project must be consistent with the provisions of this title applicable to the project, including any limits on the range of FAR in which a type of

TDR may be used, except that ((~~open space~~)) Open Space TDR may be used by such a project in lieu of any other TDR or any bonus, or both, allowable under such provisions.

G. TDR Satisfying Conditions to Transfer Under Prior Code.

If the conditions to transfer Landmark TDR, as in effect immediately prior to the effective date of Ordinance 120443, are satisfied on or before December 31, 2001, such TDR may be transferred from the sending lot in the amounts eligible for transfer as determined under the provisions of this title in effect immediately prior to the effective date of Ordinance 120443. If the conditions to transfer of ((~~h~~))Housing TDR or TDR from Major Performing Arts Facilities are satisfied prior to the effective date of Ordinance 120443 under the provisions of this title then in effect, such TDR may be transferred from the sending lot in the amounts eligible for transfer immediately prior to that effective date. For purposes of this subsection, conditions to transfer include, without limitations, the execution by the owner of the sending lot, and recording in the King County real property records, of any agreement required by the provisions of this title or the Public Benefit Features Rule in effect immediately prior to the effective date of Ordinance 120443, but such conditions do not include any requirement for a master use permit application for a project intending to use TDR, or any action connected with a receiving lot. TDR transferable under this subsection G are eligible either for use consistent with the terms of Section 23.49.011 or for use by projects developed pursuant to permits issued under the provisions of this title in effect prior to the effective date of Ordinance 120443. The use of TDR transferred under this subsection G on the receiving lot shall be subject only to those conditions and limits that apply for purposes of the master use permit decision for the project using the TDR.

H. Time of Determination of TDR Eligible for Transfer. Except as stated in subsection G, the eligibility of a sending lot to transfer TDR, and the amount transferable from a sending lot, shall be determined as of the date of transfer from the sending lot and shall not be affected by the date of any application, permit decision or other action for any project seeking to use such TDR.

I. Use of Previously Transferred TDR by New Projects.

Any project using TDR according to applicable limits on types and amounts of TDR in Section 23.49.011 may use TDR that were transferred from the sending lot consistent with the provisions of this title in effect at the time of such transfer.

Section 16. Section 23.49.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is hereby repealed.

Section 17. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.015 Bonus residential floor area for voluntary agreements for housing affordable for low-income households.

A. General Provisions.

1. The purpose of this section is to encourage development in addition to that authorized by basic zoning regulations ("bonus development"), provided that certain adverse impacts from the bonus development are mitigated. One impact of high density residential development is an increased need for affordable housing downtown to house the families of workers having lower-paid job who serve the residents of such development.

2. If an applicant elects to seek approval of bonus development, the applicant must execute a voluntary agreement with the City in which the applicant agrees to provide mitigation for such impacts. The mitigation may be provided by directly building the requisite affordable housing for low-income households (the "performance option"), by paying the City to

build or provide the housing (the "payment option"), or by a combination of the performance and payment options.

3. No bonus floor area shall be granted to any proposed development that would result in significant alteration to any designated feature of a Landmark structure unless the alteration has been approved by the Landmarks Preservation Board.

B. Voluntary Agreements for Housing.

1. The voluntary agreement shall commit the applicant to provide or contribute to low-income housing in amounts for specified income levels as established by rule by the Director of the Office of Housing based on findings of an analysis that quantifies the linkages between new market-rate units in high-rise residential structures in DOC1, DOC2, and DMC zones and the demand that residents of such units generate for low-income housing, provided that, for a structure that includes residential use above a height of 160 feet, such amount shall not exceed $25.00 for (a) each square foot of residential floor area to be developed on the lot above the "maximum height without bonus" according to Chart 23.49.058B, column 3, and (b) the excess, if any, in each tower to be developed on the lot, of (i) the total number of square feet of residential floor area between the height of 85 feet and the applicable "maximum height without bonus" on Chart 23.49.058B, over (ii) the product of the "average gross floor area limit of floors with residential use above 85 feet if height does not exceed the maximum height without bonus" as provided in Chart 23.49.058B, column 2, multiplied by the number of floors with residential use in such tower below the applicable "maximum height without bonus" on chart 23.49.058B.

2. Each low-income housing unit provided as a condition to the bonus allowed under this section shall serve only households with incomes at or below the specified income level, with housing costs affordable at such income level for a minimum period of fifty (50)

years. The Housing Director may promulgate rules specifying the method of determining affordability, including eligible monthly housing costs, and requirements relating to housing condition, among other provisions.

3. For purposes of this section, housing may be considered to be provided by the applicant seeking bonus floor area if it is committed to serve one or more of the income groups referred to in this section pursuant to an agreement between the housing owner and the City executed and recorded prior to the issuance of the building permit for the construction of such housing or conversion of nonresidential space to such housing, but no earlier than three (3) years prior to the issuance of a master use permit for the residential project using the bonus floor area.

4. Nothing in this chapter shall be construed to confer on any owner or developer of housing, any party to a linkage agreement, or any assignee, any development rights or property interests. Because the availability and terms of allowance of bonus floor area depend upon the regulations in effect at the relevant time for the project proposing to use such bonus floor area, pursuant to SMC Section 23.76.026, any approvals or agreements by the Director of the Office of Housing regarding the eligibility of actual or proposed housing as to satisfy conditions of a bonus, and any approval of a linkage agreement and/or assignment, do not grant any vested rights, nor guarantee that any bonus floor area will be permitted based on such housing.

5. The Director of the Office of Housing is authorized to accept and execute agreements and instruments to implement this section.

6. Any provision of any Director's rule notwithstanding, it shall be a continuing permit condition, whether or not expressly stated, for each project obtaining bonus floor area based on the provision of housing under this subsection, that the low-income housing units shall

continue to satisfy the requirements of this subsection throughout the term specified in this section and that such compliance shall be documented to the satisfaction of the Director of the Office of Housing. The Director of the Office of Housing may provide by rule for circumstances in which low-income housing units may be replaced if lost due to casualty or other causes, and for terms and conditions upon which a cash contribution may be made in lieu of continuing to provide low-income housing units under the terms of this subsection.

7. Housing units provided to qualify for a bonus, or produced with voluntary contributions made under this section, should include a range of unit sizes, including units suitable for families with children. The Housing Director is authorized to prescribe by rule minimum requirements for the range of unit sizes, by numbers of bedrooms, in housing provided to qualify for a bonus. The Housing Director shall take into account, in any such rule, estimated distributions of household sizes among low-income households. The Housing Director is further authorized to adopt policies for distribution of unit sizes in housing developments funded by contributions received under this section.

C. Cash Option Payments.

1. The Cash Option payment will be established by the Director of the Office of Housing based on the estimated subsidy needed to provide decent affordable housing Downtown for households at the relevant income levels. The Director of the Office of Housing may adjust the alternative cash contribution, no more frequently than annually, approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, Seattle-Tacoma metropolitan area, All Items (1982 – 84=100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, or successor index, or any other cost index that such Director may deem

appropriate. In the alternative, the Director of the Office of Housing may adjust the cash contribution amounts based on changes to housing development costs estimated in such manner as the Director deems appropriate. Any such adjustment to the cash contribution amounts may be implemented through a rule-making process.

2. Cash payments under voluntary agreements for bonuses shall be made prior to issuance of any building permit after the first building permit for a project, and in any event before any permit for any construction activity other than excavation and shoring is issued. Such payments shall be deposited in special accounts established solely to fund capital expenditures for the affordable housing for households at the relevant income levels for which the payments are made as set forth in this section.

D. No Subsidies for Bonused Housing: Exception.

1. Intent. Housing provided through the bonus system is intended to mitigate a portion of the additional low-income housing needs resulting from increased high-rise market rate housing development, beyond those needs that would otherwise exist, which the City and other governmental and charitable entities attempt to meet through various subsidy programs. Allowing bonus floor area under the performance option for housing that uses such subsidy programs therefore could undermine the intent of this section.

2. Agreement Concerning Subsidies. The Director of the Office of Housing may require, as a condition of any bonus floor area for housing under the performance option, that the owner of the lot upon which the low-income housing is located agree not to seek or accept any subsidies, including without limitation those items referred to in subsection D3 of this section, related to the housing, except for any subsidies that may be allowed by the Director of the Office of Housing under that subsection. The Director may require that such agreement provide for the

payment to the City, for deposit in an appropriate account to be used for Downtown low-income housing, of the value of any subsidies received in excess of any amounts allowed by such agreement.

3. No Bonus for Subsidized or Restricted Housing. In general, no bonus may be earned by providing housing if:

a. Any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants, City of Seattle housing loans or grants, county housing funds, State of Washington housing funds, or property tax exemptions or other special tax treatment; or

b. The housing is or would be, independent of the requirements for the bonus, subject to any restrictions on the use, occupancy or rents.

4. Exceptions by Rule. The Director of the Office of Housing may provide, by rule promulgated after the effective date of this ordinance, for terms and conditions on which exceptions to the restriction on subsidies in this subsection may be allowed. Such rule may provide that, as a condition to any exception, the Director of the Office of Housing shall increase the amount of low-income housing floor area per bonus square foot of residential floor area, as set forth in subsection B of this section, to an amount that allows credit for only the Director's estimate of the incremental effect, in meeting the City's housing needs for the next fifty (50) years, of the net financial contribution that is being made by the applicant pursuant to the voluntary agreement and not funded or reimbursed, directly or indirectly, from any other source.

Section 18. Section 23.49.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 121196, is hereby repealed.

Section 19. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.016 Open space and Open Space TDR.

A. Finding. The City Council finds that:

1. Office workers are the principal users of Downtown open space.

2. Additional major office projects Downtown will result in increased use of public open space.

3. If additional major office projects Downtown do not provide open space to offset the additional demands on public open space caused by such projects, the result will be overcrowding of public open space, adversely affecting the public health, safety and welfare.

4. The additional open space needed to accommodate office workers is at least twenty (20) square feet for each one thousand (1,000) square feet of office space.

5. Smaller office developments may encounter design problems in incorporating open space, and the sizes of open spaces provided for office projects under eighty-five thousand (85,000) square feet may make them less attractive and less likely to be used. Therefore, and in order not to discourage small scale office development, projects involving less than eighty-five thousand (85,000) square feet of new office space should be exempt from any open space requirement.

6. As indicated in the October 1994 report of the Department of Construction and Land Use, with the exception of certain projects, most major recent Downtown office projects have provided significant amounts of on-site open space. Therefore, requiring open space for future major projects will tend to ensure that existing projects do not bear the burdens caused by new development and will result in an average reciprocity of advantage.

B. Quantity of Open Space. Open space in the amount of twenty (20) square feet for each one thousand (1,000) square feet of gross office floor area shall be required of projects that include eighty-five thousand (85,000) or more square feet of gross office floor area in DOC1, DOC2, DMC, DMR/C and DH2 zones, except that the floor area of a museum expansion space, satisfying the provisions of Section 23.49.011 B1h, shall be excluded from the calculation of gross office floor area.

C. Standards for Open Space. To satisfy this requirement, open space may be provided on-site or off-site, as follows:

1. Private Open Space. Private open space on the project site or on an adjacent lot directly accessible from the project site may satisfy the requirement of this section. Such space shall not be eligible for public benefit feature bonuses. Private open space shall be open to the sky and shall be consistent with the general conditions related to landscaping, seating and furnishings contained in the Public Benefit Features Rule. Private open space satisfying this requirement must be accessible to all tenants of the building and their employees.

2. On-site Public Open Space.

a. Open space provided on the project site under this requirement shall be eligible for public benefit feature bonuses, as allowed for each zone, provided the open space is open to the public without charge and meets the standards of Section 23.49.013 and the Public Benefit Features Rule for one (1) or more of the following:

- Parcel park;
- Green street on an abutting right-of-way;
- Hillside terrace;
- Harborfront open space; or

• Urban plaza.

b. On-site open space satisfying the requirement of subsection C2a of this section may achieve a bonus as a public benefit feature not to exceed any limits pursuant to Section 23.49.013, subject to the conditions in this chapter, which bonus shall be counted against, and not increase, the total FAR bonus available from the provision of Public Benefit Features.

3. Off-site Public Open Space.

a. Open space satisfying the requirement of this section may be on a site other than the project site, provided that it is within a Downtown zone, within one-quarter (1/4) mile of the project site, open to the public without charge, and at least five thousand (5,000) square feet in contiguous area. The standards for the minimum size of off-site open space and maximum distance from the project may be increased or decreased if the Director determines that such modifications will continue to result in improvements that will meet the additional need for open space caused by the project and enhance public access.

b. Public open space provided on a site other than the project site may qualify for a development bonus for the project if the open space meets the standards of Section 23.49.013 and is one of the open space features citied in subsection C2a of this section. Bonus ratios for off-site open space are prescribed in Section 23.49.013. This bonus is counted against, and may not increase, the total FAR bonus allowed under Section 23.49.011 and Section 23.49.013.

4. Easement for Off-site Open Space. The owner of any lot on which off-site open space is provided to meet the requirements of this section shall execute and record an easement

in a form acceptable to the Director assuring compliance with the requirements of this section, including applicable conditions of the Public Benefit Features Rule.

D. Payment in Lieu. In lieu of providing open space under this requirement, an owner may make a payment to the City if the Director determines that the payment will contribute to the improvement of a green street or to other public open space improvements abutting the lot or in the vicinity, in an amount sufficient to develop improvements that will meet the additional need for open space caused by the project, and that the improvement within a reasonable time is feasible. Any such payment shall be placed in a dedicated fund or account and used within five (5) years of receipt for the development of such improvements, unless the property owner and the City agree upon another use involving the acquisition or development of public open space that will mitigate the impact of the project. A bonus may be allowed for a payment in lieu of providing improvement made wholly or in part to satisfy the requirements of this section, pursuant to Section 23.49.013.

E. Limitations. Open space satisfying the requirement of this section for any project shall not be used to satisfy the open space requirement for any other project, nor shall any bonus be granted to any project for open space meeting the requirement of this section for any other project. When a transmitting antenna is sited or proposed to be sited on a rooftop where required open space is located, see Section 23.57.013. Open space on the site of any building for which a Master Use Permit decision was issued or a complete building permit application was filed prior to the effective date of the ordinance codified in this section, that is not required under the Land Use Code in effect when such permit decision was issued or such application filed but that would have been required for the same building by this section, shall not be used to satisfy the open space requirement or to gain an FAR bonus for any other project.

G. Open Space TDR site eligibility.

1. Intent. The intent of Open Space TDR is to provide opportunities for establishing a variety of usable public open space generally distributed to serve all areas of downtown.

2. Application and Approval. The owner of a lot who wants to establish and convey open space TDR shall apply to the Director for approval of the lot as a sending lot for Open Space TDR. The application shall include a design for the open space in such detail as the Director shall require and a maintenance plan for the open space. The Director shall review the application pursuant to the provisions of this section, and shall approve, disapprove or conditionally approve the application to establish and convey Open Space TDR. Conditions may include, without limitation, assurance of funding for long-term maintenance of the open space and dates when approvals shall expire if the open space is not developed.

3. Area Eligible for Transfer. For purposes of calculating the amount of TDR transferable under Section 23.49.014, Transfer of Development Rights (TDR), eligible area does not include any portion of the lot occupied above grade by a structure or use unless the structure or use is accessory to the open space.

4. Basic requirements. In order to qualify as a sending lot for Open Space TDR, the sending lot must include open space that satisfies the basic requirements of this subsection, unless an exception is granted by the Director pursuant to subsection H of this Section. A sending lot for Open Space TDR must:

a. Include a minimum area as follows:

(1) Contiguous open space with a minimum area of fifteen thousand (15,000) square feet; or

(2) A network of adjacent open spaces, which may be separated by a street right-of-way, that are physically and visually connected with a minimum area of thirty thousand (30,000) square feet;

b. Be directly accessible from the sidewalk or another public open space, including access for persons with disabilities;

c. Be at ground level, except that in order to provide level open spaces on steep lots, some separation of multiple levels may be allowed, provided they are physically and visually connected;

d. Not have more than twenty (20) percent of the lot area occupied by any above grade structures; and

e. Be located a minimum of one quarter (1/4) mile from the closest lot approved by the Director as a separate Open Space TDR sending lot.

5. Open Space Guidelines. The Director shall consider the following guidelines, and may disapprove or condition an application based on one or more of them. If the Director determines that the design for the open space will substantially satisfy the intent of the guidelines as a whole, the Director need not require that every guideline be satisfied as a condition to approval. Open space should be designed to:

a. Be well integrated with downtown's pedestrian and transit network;

b. Be oriented to promote access to sun and views and protection from wind, taking into account potential development on adjacent lots built to the maximum limits zoning allows;

c. Enhance user safety and security and ease of maintenance;

d. Be highly visible because of the relation to the street grid, topographic conditions, surrounding development pattern, or other factors, thereby enhancing public access and identification of the space as a significant component of the urban landscape;

e. Incorporate various features, such as seating and access to food service, that are appropriate to the type of area and that will enhance public use of the area as provided by the guidelines for an urban plaza in the Public Benefit Features Rule;

f. Provide such ingress and egress as will make the areas easily accessible to the general public along street perimeters;

g. Be aesthetically pleasing space that is well integrated with the surrounding area through landscaping and special elements, which should establish an identity for the space while providing for the comfort of those using it;

h. Increase activity and comfort while maintaining the overall open character of public outdoor space; and

i. Include artwork as an integral part of the design of the public space.

6. Public Access.

a. Recorded Documents. The open space must be subject to a recorded easement, or other instrument acceptable to the Director, to limit any future development on the lot and to ensure general public access and the preservation and maintenance of the open space, unless such requirement is waived by the Director for open space in public ownership.

b. Hours of Operation. The open space must be open to the general public without charge for reasonable and predictable hours, such as those for a public park, for a minimum of six (6) hours each day of every week.

c. Plaque Requirement. A plaque indicating the nature of the site and its availability for general public access must be placed in a visible location at the entrances to the site. The text on the plaque is subject to the approval of the Director.

7. Maintenance. The property owner and/or another responsible party who shall have assumed obligations for maintenance on terms approved by the Director, shall maintain all elements of the site, including but not limited to landscaping, parking, seating and lighting, in a safe and clean condition as provided for in a maintenance plan to be approved by the Director.

H. Special exception for Open Space TDR sites.

The Director may authorize an exception to the requirements for Open Space TDR sites in subsection G of this Section, as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permit and Council Land Use Decisions.

1. The provisions of this subsection H will be used by the Director in determining whether to grant, grant with condition or deny a special exception. The Director may grant exceptions only to the extent such exceptions further the provisions of this subsection H.

2. In order for the Director to grant, or grant with conditions, an exception to the requirements for Open Space TDR sites, one or more of the following must be satisfied:

a. The exception allows the design of the open space to take advantage of unusual site characteristics or conditions in the surrounding area, such as views and relationship to surroundings; or

b. The applicant demonstrates that the exceptions would result in an open-space that better meets the intent of the provisions for Open Space TDR sites in subsection G of this Section.

Section 20. Section 23.49.017 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is hereby repealed.

Section 21. Section 23.49.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, is hereby repealed.

Section 22. Section 23.49.019 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed

Section 23. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.019 Parking quantity and access requirements and screening and landscaping of surface parking areas.

The regulations in this section do not apply to Pike Market Mixed zones.

A. General Standards.

1. No parking, either long-term or short-term, is required for uses on lots in Downtown zones, except as follows:

a. In the International District Mixed and International District Residential zones, parking requirements for restaurants, motion picture theaters, and other entertainment uses and places of public assembly are as prescribed by Section 23.66.342.

b. In the International District Mixed and International District Residential zones, the Director of the Department of Neighborhoods, upon the recommendation of the International District Special Review District Board may waive or reduce required parking according to the provisions of Section 23.66.342, Parking and access.

c. Bicycle parking is required as specified in E1 of this Section.

B. Reserved.

C. Maximum Parking Limit.

1. Except as provided in subsection C2 below, parking is limited to a maximum of one parking space per one thousand (1,000) square feet of nonresidential use.

2. More than one (1) parking space per one thousand (1,000) square feet of nonresidential use may be permitted as a special exception pursuant to Chapter 23.76. When deciding whether to grant a special exception, the Director shall consider evidence of parking demand and alternative means of transportation, including but not limited to the following:

a. Whether the additional parking will substantially encourage the use of single occupancy vehicles;

b. Characteristics of the work force and employee hours, such as multiple shifts that end when transit service is not readily available;

c. Proximity of transit lines to the lot and headway times of those lines;

d. The need for a motor pool or large number of fleet vehicles at the site;

e. Proximity to existing long-term parking opportunities downtown which might eliminate the need for additional parking on the lot;

f. Whether the additional parking will adversely affect vehicular and pedestrian circulation in the area;

g. Potential for shared use of additional parking as residential or short-term parking.

h. The need for additional short-term parking to support shopping in the retail core or retail activity in other areas where short-term parking is limited.

D. Ridesharing and transit incentive program requirements.

The following requirements apply to all structures containing more than ten thousand (10,000) square feet of new nonresidential use:

1. A transportation coordinator position shall be established and maintained for the proposed structure. The landowner shall designate a person to devise and implement alternative means for employee commuting, or may contract with an area-wide transportation coordinator acceptable to the Department. The coordinator shall be trained by the Seattle Department of Transportation or by an alternative organization with ridesharing experience, and shall work with the Seattle Department of Transportation, building tenants, and other building lessees. The coordinator shall disseminate ridesharing information to building occupants to encourage use of public transit, carpools, vanpools and flextime; administer the in-house ridesharing program; and aid in evaluation and monitoring of the ridesharing program. The transportation coordinator in addition shall survey all employees once a year to determine commute mode percentages.

2. The Seattle Department of Transportation, in conjunction with the transportation coordinator, shall monitor the effectiveness of the ridesharing/transit incentive program on an annual basis. The landowner shall allow a designated Department of Transportation or rideshare representative to inspect the parking facility and review operation of the ridesharing program.

3. The landowner shall provide and maintain a transportation information center, which has transit information displays including transit route maps and schedules and Seattle ridesharing program information. The transportation display shall be located in the lobby or other location highly visible to employees within the structure, and shall be established prior to issuance of a certificate of occupancy.

E. Bicycle Parking.

1. The minimum number of off-street spaces for bicycle parking required for specific use categories is set forth in Chart 23.49.019 A below. In the event a proposed use is not shown on Chart 23.49.019 A, no bicycle parking is required. After the first fifty (50) spaces for bicycles are provided, additional spaces are required at one half (1/2) the ratio shown in Chart 23.49.019 A. Spaces within dwelling units or on balconies do not count toward the bicycle parking requirement.

Chart 23.49.019 A

Use	**Bicycle Parking Required**
Office	1 space per 5,000 square feet of gross floor area of office use
Hotel	.05 spaces per hotel room
Retail use over 10,000 square feet	1 space per 5,000 square feet of gross floor area of retail use
Residential	1 space for every 2 dwelling units

2. All bicycle parking facilities in the street right-of-way shall conform to Seattle Department of Transportation design criteria.

3. Required bicycle parking shall be provided in a safe, accessible and convenient location protected from the weather. Bicycle parking hardware shall be installed according to the manufacturer's instructions, allowing adequate clearance for bicycles and their riders. Directional signage shall be installed when bike parking facilities are not clearly visible from the street or sidewalk.

4. Bicycle parking facilities for nonresidential uses shall be located on the lot or within eight hundred (800) feet of the lot. Bicycle parking for residential uses shall be located on the lot. Bicycle parking facilities shared by more than one (1) use are encouraged. When

located off-street, bicycle and automobile parking areas shall be separated by a barrier or painted lines.

5. If the Director determines that safe, accessible and convenient bicycle parking cannot be provided on-site, bicycle parking may be provided off-site in a manner that in the Director's judgment provides a reasonable substitute, or the applicant may make a payment to the City in lieu of providing the bicycle parking, if the Director determines:

a. The payment is comparable to the cost of providing the equivalent bicycle parking on-site, and takes in consideration the cost of materials, equipment and labor for installation.

b. The bicycle parking funded by the payment is located within sufficient proximity to serve the bicycle parking demand generated by the project; and

c. Any such payment shall be placed in a dedicated fund or account and used within five (5) years of receipt to provide the required parking.

F. Off-street Loading.

1. Off-street loading spaces shall be provided according to the standards of Section 23.54.030, Parking space standards.

2. In Pioneer Square Mixed zones, the Pioneer Square Preservation Board may waive or reduce required loading spaces according to the provisions of Section 23.66.170, Parking and access.

3. In International District Mixed and International District Residential zones, the International District Special Review District Board may waive or reduce required loading spaces according to the provisions of Section 23.66.342, Parking and access.

G. Standards for location of access to parking.

This subsection does not apply to Pike Market Mixed, Pioneer Square Mixed, International District Mixed, and International District Residential zones.

1. Curbcut Location. When a lot abuts more than one (1) right-of-way, the location of access shall be determined by the Director after consulting with the Director of Transportation. The Director shall consider the classification of rights-of-way on Map 1B and the ranking of the classification below, from most to least preferred:

a. Alley, if of sufficient width to accommodate existing and anticipated uses;

b. Access street;

c. Class II pedestrian street-Minor arterial;

d. Class II pedestrian street-Principal arterial;

e. Class I pedestrian street-Minor arterial;

f. Class I pedestrian street-Principal arterial;

g. Principal transit street.

2. Curbcut controls on Green Streets shall be evaluated on a case-by-case basis, but generally access from Green Streets is not allowed.

3. The preferred right-of-way for access indicated by subsection G1 shall be further evaluated by the Director, after consulting with the Director of Transportation, for a final determination based on whether the location of the access will expedite the movement of vehicles, facilitate a smooth flow of traffic, avoid the on-street queuing of vehicles, enhance vehicular safety and pedestrian comfort, or create a hazard.

4. Curbcut Width and Number. The width and number of curbcuts shall comply with the provisions of Section 23.54.030, Parking space standards.

H. Screening and landscaping of surface parking areas.

1. Screening. Surface parking areas for more than five (5) vehicles shall be screened in accordance with the following requirements:

a. Screening is required along each street lot line.

b. Screening shall consist of a landscaped berm, or a view-obscuring fence or wall at least three (3) feet in height.

c. A landscaped strip on the street side of the fence or wall shall be provided when a fence or wall is used for screening. The strip shall be an average of three (3) feet from the property line, but at no point less than one and one-half (1 1/2) feet wide. Each landscaped strip shall be planted with sufficient shrubs, grass and/or evergreen groundcover so that the entire strip, excluding driveways, will be covered in three (3) years.

d. Sight triangles shall be provided in accordance with Section 23.54.030, Parking space standards.

2. Landscaping. Surface parking areas for twenty (20) or more vehicles, except temporary surface parking areas, shall be landscaped in accordance with the following requirements:

a. Amount of landscaped area required:

Total Number of Parking Spaces	**Required Landscaped Area**
20 to 50 spaces	18 square feet per parking space
51 to 99 spaces	25 square feet per parking space
100 or more spaces	35 square feet per parking space

b. The minimum size of a required landscaped area is one hundred (100) square feet. Berms provided to meet the screening standards in subsection H2 of this section may be counted as part of a landscaped area. No part of a landscaped area shall be less than four (4) feet in any dimension except those dimensions reduced by turning radii or angles of parking spaces.

c. No parking stall shall be more than sixty feet (60') from a required landscaped area.

d. One (1) tree per every five (5) parking spaces is required.

e. Each tree shall be at least three (3) feet from any curb of a landscaped area or edge of the parking area.

f. Permanent curbs or structural barriers shall enclose landscaped areas.

g. Sufficient hardy evergreen groundcover shall be planted to cover each landscaped area completely within three (3) years. Trees shall be selected from Seattle Department of Transportation's list for parking area planting.

((~~Chart 23.49.016 A Parking Requirements~~
~~(Expressed in parking spaces per 1,000 square feet~~
~~of gross floor area of the use)~~

~~LONG TERM PARKING REQUIREMENT~~

	~~Areas with High Transit Access[1]~~			~~Areas with Moderate Transit Access[1]~~			
							~~Short Term~~
	~~Unrestricted~~			~~Unrestricted~~			~~Parking~~
~~USE~~	~~Long Term~~	~~Car pool~~	~~Total~~	~~Long Term~~	~~Car pool~~	~~Total~~	~~Requirements in All Areas~~
~~Office~~	~~.54~~	~~.13~~	~~.67~~	~~.75~~	~~.19~~	~~.94~~	~~.1~~
~~Retail sales and service, except lodging~~	~~.32~~	~~.08~~	~~.40~~	~~.56~~	~~.14~~	~~.70~~	~~.5~~
~~Other non-residential~~	~~.16~~	~~.04~~	~~.20~~	~~.16~~	~~.04~~	~~.20~~	~~None~~
~~Lodging~~	~~1 space per 4 rooms (all areas)~~						~~None~~

~~[1] According to Map IA.~~))

Section 24. Section 23.49.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is hereby repealed.

Section 25. Section 23.49.025 of the Seattle Municipal Code, which Section was last amended by Ordinance 120967, is hereby repealed.

Section 26. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.025 Odor, noise, light/glare, and solid waste recyclable materials storage space standards.

A. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at least ten (10) feet above finished sidewalk grade, and directed away from residential uses within fifty (50) feet of the vent.

1. Major Odor Sources.

a. Uses which employ the following odor-emitting processes or activities are considered major odor sources:

Lithographic, rotogravure or flexographic printing;

Film burning;

Fiberglassing;

Selling of gasoline and/or storage of gasoline in tanks larger than two hundred sixty (260) gallons;

Handling of heated tars and asphalts;

Incinerating (commercial);

Metal plating;

Use of boilers (greater than 106 British thermal units per hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler horsepower);

Other similar uses.

b. Uses which employ the following processes are considered major odor sources except when the entire activity is conducted as part of a retail sales and service use:

Cooking of grains;

Smoking of food or food products;

Fish or fishmeal processing;

Coffee or nut roasting;

Deep fat frying;

Dry cleaning;

Other similar uses.

2. Review of Major Odor Sources. When an application is made for a use which is a major odor source, the Director, in consultation with the Puget Sound Clean Air Agency (PSCAA) shall determine the appropriate measures to be taken by the applicant in order to

significantly reduce potential odor emissions and airborne pollutants. The measures to be taken shall be specified on plans submitted to the Director, and may be required as conditions for the issuance of any permit. After a permit has been issued, any measures which were required by the permit shall be maintained.

B. Noise standards

1. All food processing for human consumption, custom and craft work involving the use of mechanical equipment, and light manufacturing activities shall be conducted wholly within an enclosed structure.

2. The following uses or devices are considered major noise generators:

a. Light manufacturing uses;

b. Auto body, boat and aircraft repair shops; and

c. Other similar uses.

3. When a major noise generator is proposed, a report from an acoustical consultant shall be required to describe the measures to be taken by the applicant in order to meet noise standards for the area. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use of specified construction techniques or building materials. Measures to be taken shall be specified on the plans. After a permit has been issued, any measures which are required by the permit to limit noise shall be maintained.

C. Lighting and glare.

1. Exterior lighting shall be shielded and directed away from adjacent uses.

2. Interior lighting in parking garages shall be shielded, to minimize nighttime glare affecting nearby uses.

D. Solid waste and recyclable materials storage space.

1. Storage space for solid waste and recyclable materials containers shall be provided for all new structures permitted in Downtown zones and expanded multifamily structures as indicated in the table below. For the purposes of this subsection, "expanded multifamily structure" means expansion of multifamily structures with ten (10) or more existing units by two (2) or more units.

2. The design of the storage space shall meet the following requirements:

a. The storage space shall have no dimension (width and depth) less than six (6) feet;

b. The floor of the storage space shall be level and hard-surfaced (garbage or recycling compactors require a concrete surface); and

c. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.

3. The location of the storage space shall meet the following requirements:

a. The storage space shall be located within the private property boundaries of the structure it serves and, if located outdoors, it shall not be located between a street facing facade of the structure and the street;

b. The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;

c. The storage space shall not block or impede any fire exits, public rights-of-ways or any pedestrian or vehicular access; and

d. The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.

4. Access to the storage space for occupants and service providers shall meet the following requirements:

a. For rear-loading containers (usually two (2) cubic yards or smaller):

(1) Any proposed ramps to the storage space shall be of six (6) percent slope or less, and

(2) Any proposed gates or access routes must be a minimum of six (6) feet wide; and

b. For front-loading containers (usually larger than two (2) cubic yards):

(1) Direct access shall be provided from the alley or street to the containers,

(2) Any proposed gates or access routes shall be a minimum of ten (10) feet wide, and

(3) When accessed directly by a collection vehicle into a structure, a twenty-one (21) foot overhead clearance shall be provided.

5. The solid waste and recyclable materials storage space specifications required in subsections 1, 2, 3, and 4 of this subsection above, in addition to the number and sizes of containers, shall be included on the plans submitted with the permit application.

6. The Director, in consultation with the Director of Seattle Public Utilities, shall have the discretion to modify the requirements of subsections 1, 2, 3, and 4 of this subsection above under the following circumstances:

a. Then the applicant can demonstrate difficulty in meeting any of the requirements of subsections 1, 2, 3, and 4 of this subsection; or

b. When the applicant proposes to expand a multifamily or mixed-use building, and the requirements of subsections 1, 2, 3, and 4 of this subsection conflict with opportunities to increase residential densities and/or retain ground-level retail uses; and

c. When the applicant proposes alternative, workable measures that meet the intent of this section.

Seattle Municipal Code

Chart 23.49.025 A

Structure Type	**Structure Size**	**Minimum Area for Storage Space**	**Container Type**
Multifamily*	7 -- 15 units	75 square feet	Rear-loading
	16 -- 25 units	100 square feet	Rear-loading
	26 -- 50 units	150 square feet	Front-loading
	51 -- 100 units	200 square feet	Front-loading
	More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading
Commercial*	0 -- 5,000 square feet	82 square feet	Rear-loading
	5,001 -- 15,000 square feet	125 square feet	Rear-loading
	15,001 -- 50,000 square feet	175 square feet	Front-loading
	50,001 -- 100,000 square feet	225 square feet	Front-loading
	100,001 -- 200,000 square feet	275 square feet	Front-loading
	200,001 plus square feet	500 square feet	Front-loading

* Mixed Use Buildings. Mixed use buildings with eighty (80) percent or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.

Section 27. Section 23.49.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 121196, is hereby repealed.

Section 28. Section 23.49.027 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 29. Section 23.49.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.032 Additions of gross floor area to lots with existing structures.

A. When development is proposed on a lot that will retain existing structures containing chargeable floor area in excess of the applicable base FAR, additional chargeable floor area may be added to the lot up to the maximum permitted FAR, by qualifying for bonuses or using TDR, or both, subject to the general rules for FAR and use of bonuses and TDR, SMC Sections 23.49.011 through 23.49.014. Solely for the purpose of determining the amounts and types of bonus and TDR that may be used to achieve the proposed increase in chargeable floor area, the legally established continuing chargeable floor area of the existing structures on the lot shall be considered as the base FAR. The requirement of Section 23.49.011 that a project must achieve LEED Core & Shell or LEED NC certification to gain the first increment of FAR above the base FAR, applies only to newly constructed structures on the lot.

* * *

Section 30. Section 23.49.034 of the Seattle Municipal Code, which Section was last amended by Ordinance 112522, is amended as follows:

23.49.034 Modification of plazas and other bonused features ((~~bonused under Title 24~~)) and replacement of public benefit features.

A. The modification of plazas, shopping plazas, arcades, shopping arcades, and voluntary building setbacks ((~~which~~))that resulted in any increase in gross floor area under Title 24 of the Seattle Municipal Code, shall be encouraged in any Downtown zone if the change makes the plaza, arcade or setback more closely conform to the ((~~requirements~~))criteria for amenities in ((~~of~~)) this chapter. The Director shall review proposed modifications to determine whether they

provide greater public benefits and are consistent with the intent of the Public Benefit Features Rule, as specified in this section. The procedure for approval of proposed modifications shall be as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

* * *

C. Plazas and Shopping Plazas. Modifications to plazas and shopping plazas for which increased gross floor area was granted under Title 24 shall be permitted, based on the classification of the plaza on Map 1E.

1. Type I Plazas. Type I plazas shall continue to function as major downtown open spaces. Modification of these plazas and/or reductions in plaza size shall be permitted if the Director finds that the modified or remaining plaza is consistent with the intent of the Public Benefit Features Rule for urban plazas and parcel parks.

2. Type II Plazas. Type II plazas do not function as major downtown open spaces, but they shall continue to provide open space for the public. Modification of these plazas and/or reductions in plaza size shall be permitted if the Director finds that the modified or remaining plaza is consistent with the intent of the Public Benefit Features Rule for urban plazas, parcel parks, hillside terraces, and rooftop gardens.

D. Shopping Arcades.

1. Exterior Shopping Arcades. When street level uses are eligible for a floor area bonus in a zone in which an existing exterior shopping arcade is located, the existing shopping arcade or a portion of the existing shopping arcade may be converted to retail sales and service uses if the conversion will result in greater conformity with the street facade development standards of the zone, and if the minimum sidewalk widths established by Section 23.49.022 are

met. No bonuses shall be given for any retail space created by conversion of a shopping arcade. New retail sales and service uses shall comply with the Public Benefit Features Rule for retail shopping bonuses.

2. Interior Shopping Arcades. Portions of existing interior shopping arcades may be modified and/or reduced in size, so long as any pathway which connects streets or other public open spaces is maintained at a width of at least fifteen (15) feet and it continues to allow comfortable and convenient pedestrian movement. The visual interest and the sense of space and light in the shopping arcade shall be also maintained and enhanced if possible. The Public Benefit Feature Rule for shopping atrium and shopping corridor bonuses shall be used as a guideline in the review of proposed changes.

* * *

G. Replacement of public benefit features.

1. All public benefit features, except (1) housing and (2) landmark performing arts theaters, shall remain for the life of the structure that includes the additional gross floor area, except as otherwise specifically permitted pursuant to this subsection G. Unless the specified period for which a feature is to be maintained has expired in accordance with the terms of this chapter, a public benefit feature may be diminished or discontinued only if the feature is not housing or childcare and:

a. the additional gross floor area permitted in return for the specific feature is permanently removed or converted to a use that is not counted as chargeable floor area, and, if the lot includes chargeable floor area added pursuant to the terms of this chapter as in effect after August 25, 2001; or

b. an amount of chargeable floor area equivalent to that obtained by the public feature to be replaced is provided pursuant to provisions for granting floor area above the base FAR in Section 23.49.011.

2. The terms under which use as a landmark performing arts theater may be discontinued or diminished, and the sanctions for failure to continue such use, are governed by the agreements and instruments executed by the City and owners of the properties on which such theaters are located. Any such change in use shall not affect any other structure for which additional FAR was granted in return for the provision of such public benefit features.

3. In addition to the provisions of subsection A, this subsection applies in Downtown zones when additional gross floor area is granted for any of the following public benefit features: Human service uses, childcare centers, retail shopping, cinemas, performing arts theaters other than landmark performing arts theaters, major retail stores, and museums.

a. In the event that the occupant or operator of one (1) of the public benefit features listed in this subsection moves out of a structure, or notifies the owner of intent to move, the owner shall notify the Director within five (5) days of the date that notice of intent to move is given or that the occupant or operator moves out, whichever is earlier.

b. Starting from the fifth day after notice is given or that the occupant or operator moves out, whichever is first, the owner or owner's agent shall have a maximum of six (6) months to replace the use with another use that meets the provisions of this Code and the Public Benefit Features Rule.

c. When the public benefit feature is replaced, any portion of the gross floor area formerly occupied by that feature and not reoccupied by a replacement feature, may be either:

(1) Changed to other uses which are exempt from FAR calculations in the zone in which the structure is located; or

(2) Changed to uses which are not exempt from FAR calculations, provided that this would not cause the structure to exceed the maximum FAR limit for the zone in which it is located, and that gross floor area in an amount equivalent to the gross floor area proposed to be changed shall be achieved through provision of public benefit features, or transfer of development rights, according to the provisions of the zone in which the structure is located.

d. As a condition to allowing the substitution of a feature, rather than an application to establish floor area de novo under the terms of this chapter, during the time that the space formerly constituting the amenity feature is vacant, it shall be made available to nonprofit community and charitable organizations for events at no charge.

Section 31. Section 23.49.035 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is hereby repealed.

Section 32. Section 23.49.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, is amended as follows:

23.49.036 Planned community developments (PCDs) in Special Review Districts.

* * *

C. Location. Planned Community Developments may be permitted in the following Downtown zones located within the Pioneer Square and International Special Review Districts:

1. ((~~Downtown Office Core 2~~))

((~~Downtown Retail Core~~))

((~~Downtown Mixed Commercial~~))

((~~Downtown Mixed Residential~~))

International District Mixed (IDM)

International District Residential (IDR)

Pioneer Square Mixed (PSM)

((~~Downtown Harborfront 2~~))

((~~2. A portion of a PCD may be located in DOC1 zones, provided that the portion located in a DOC1 zone shall be less than fifty percent (50%) of the total area of the PCD, and shall not exceed a maximum size of forty-five thousand (45,000) square feet.~~))

2.((~~3.~~)) A portion of a PCD may extend into any zone(s) adjacent to a downtown zone subject to the following conditions:

a. The adjacent zone(s) regulates the density of use by floor area ratio; and

b. The portion of a PCD project located in an adjacent zone shall not be separated from downtown by the Interstate 5 Freeway right-of-way; and

c. The portion of a PCD project located in a zone adjacent to downtown shall be not more than twenty percent (20%) of the total area of the PCD within the downtown boundary.

* * *

E. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public benefits provided, possible impacts of the project, and consistency with the standards contained in this subsection.

1. Public Benefits. A proposed PCD shall provide one (1) or more of the following elements: housing, low-income housing, services, historic preservation, public open space, public view protection, employment, increased public revenue, strengthening of

neighborhood character, improvements in pedestrian circulation or urban form, improvements in transit facilities, achievement of performance criteria for sustainable development as defined by the Director, and/or other elements which further an adopted City policy and provide a demonstrable public benefit.

2. Potential Impacts. The potential impacts of a proposed PCD shall be evaluated, including, but not necessarily limited to, the impacts on housing, particularly low-income housing, transportation systems, parking, energy, and public services, as well as environmental factors such as noise, air, light, glare, and water quality.

3. The proposed PCD shall be reviewed for compatibility with areas adjacent to Downtown which could be affected by the PCD.

4. When the proposed PCD is located in the Pioneer Square Preservation District or International District Special Review District, the Board of the District(s) in which the PCD is located shall review the proposal and make a recommendation to the Department of Neighborhoods Director who shall make a recommendation to the Director prior to the Director's recommendation to the Council on the PCD.

* * *

H. For the purposes of calculating the overall density allowed for a PCD, a floor area ratio of four and one-half (4 1/2) shall apply to that portion of a PCD which is located in an adjacent commercial zone, pursuant to subsection C2((~~C3~~)) of this section and on which no development subject to FAR is proposed.

Section 33. Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 120691, is hereby repealed.

Section 34. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.037 Planned community development (PCD) in DOC1, DOC2, DRC, DMC, DMR, and DH 2 zones.

A. Authority. Planned community developments may be permitted by the Director as a Type II Land Use Decision pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. Development Guidelines. When a PCD is proposed by other than a City agency, the Director shall review and approve development guidelines for the PCD. These guidelines shall be approved prior to preparation of the detailed development program. They shall include public and private development objectives and promote City plans and policies for the area affected by the PCD.

C. Location.

1. Planned Community Developments may be permitted in the following Downtown zones:

Downtown Office Core 1 (DOC1)

Downtown Office Core 2 (DOC2)

Downtown Retail Core (DRC)

Downtown Mixed Commercial (DMC)

Downtown Mixed Residential (DMR)

Downtown Harborfront 2 (DH2).

2. A portion of a PCD may extend into any zone(s) adjacent to a downtown zone subject to the following conditions:

a. The adjacent zone(s) regulates the density of use by floor area ratio; and

b. The portion of a PCD project located in an adjacent zone shall not be separated from downtown by the Interstate 5 Freeway right-of-way; and

c. The portion of a PCD project located in a zone adjacent to downtown shall be not more than twenty percent (20%) of the total area of the PCD within the downtown boundary.

D. Minimum Size. A PCD shall include a minimum area of one hundred thousand (100,000) square feet within one or more of the downtown zones specified in subsection C1 of this section. The total area of a PCD shall be contiguous. Public right-of-way shall not be considered a break in continuity. At the Director's discretion, public right-of-way area may be included in the minimum area calculations if actions related to the PCD will result in significant enhancements to the streetscape of the public right-or-way, improved transit access and expanded transit facilities in the area, and/or improved local circulation, especially for transit and pedestrians.

E. Evaluation of PCDs. A proposed PCD shall be evaluated on the basis of public benefits provided, possible impacts of the project, and consistency with the standards contained in this subsection.

1. Public Benefits. A proposed PCD shall provide one (1) or more of the following elements: significant concentrations of housing and support services for households of mixed incomes, historic preservation, public view protection, public open space, strengthening of neighborhood character, improvements in pedestrian circulation or urban form, improvements in transit facilities, achievement of performance criteria for sustainable development as defined by DPD, and/or other elements which further an adopted City policy and provide a demonstrable public benefit.

2. Potential Impacts. The potential impacts of a proposed PCD shall be evaluated, including, but not necessarily limited to, the impacts on housing, particularly low-income housing, transportation systems, parking, energy, and public services, as well as environmental factors such as noise, air, light, glare, and water quality.

3. The proposed PCD shall be reviewed for compatibility with areas adjacent to Downtown which could be affected by the PCD.

F. Public Benefit Features in PCDs. Any public benefit feature eligible for a bonus in any downtown zone may be considered as part of a PCD in any Downtown zone where PCDs are permitted. The maximum area eligible for a bonus and the review criteria for public benefit features may be varied. The square footage of such public benefit features shall be exempt from FAR calculations. In those zones where an increase in floor area ratio is permitted through provision of public benefit features, and a bonus value has not been established for a public benefit feature, the value shall be the same as the value of the feature in the nearest zone for which a value is established. All increases in floor area above the base FAR shall be consistent with provisions in Section 23.49.011 Floor area ratio, and the PCD process shall not result in any reduction in the amount of floor area required to be gained through use of bonuses or TDR compared to what otherwise would have been required for the development of the lots within the PCD boundaries.

G. Exceptions to Standards.

1. Portions of a project within downtown may exceed the floor area ratio permitted in the zone or zones in which the PCD is located, but the floor area ratio of the PCD as a whole shall meet the requirements of the zone or zones in which it is located. Floor area may be transferred from a portion of a PCD in a non-downtown zone to a portion of a PCD in a

downtown zone. When floor area from a portion of a PCD in a non-downtown zone is transferred to a lot in a downtown zone within the PCD project's boundary, the amount of floor area which may be transferred shall be calculated based upon the FAR and lot area of the portion of the PCD in the non-downtown zone. However, the FAR used shall not exceed the base FAR of the portion of the PCD in the downtown zone to which the floor area is being transferred.

2. Except as provided in subsection G3 of this section, any requirements of this section may be varied through the PCD process.

3. Exceptions to the following provisions are not permitted through the PCD process:

a. The following provisions of Subchapter I, General Standards:

(1) The maximum height permitted for any use in the zone,

(2) Light and glare standards,

(3) Noise standards,

(4) Odor standards,

(5) Minimum sidewalk widths,

(6) View corridor requirements,

(7) Nonconforming uses,

(8) Nonconforming structures, when the nonconformity is to one (1) of the standards listed in this subsection;

b. Use provisions except for provisions for principal and accessory parking;

c. Transfer of development rights regulations;

d. Bonus values assigned to public benefit features;

e. Development standards of adjacent zones in which a PCD may be partially located according to subsection C2 of this section.

f. Provisions for allowing increases in floor area above the base FAR.

Section 35. Section 23.49.039 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 36. Section 23.49.041 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 37. Subchapter I of Chapter 23.49 is amended to add the following new section:

23.49.041 Combined lot development.

When authorized by the Director pursuant to this section, lots located on the same block in DOC1, DOC2, or in DMC zones with a maximum FAR of ten (10), or lots zoned DOC1 and DMC on the same block, may be combined, whether contiguous or not, solely for the purpose of allowing some or all of the capacity for chargeable floor area on one such lot under this chapter to be used on one or more other lots, according to the following provisions:

A. Up to all of the capacity on one lot, referred to in this section as the "sending lot," for chargeable floor area in addition to the base FAR, pursuant to Section 23.49.011 (referred to in this section as "bonus capacity"), may be used on one or more other lots, subject to compliance with all conditions to use of such bonus capacity, pursuant to Sections 23.49.011-.014, as modified in this Section. For purposes of applying any conditions related to amenities or features provided on site under Section 23.49.013, only the lot or lots on which such bonus capacity shall be used are considered to be the lot or site using a bonus. Criteria for use of bonus that apply to the structure or structures shall be applied only to the structure(s) on the lots using the transferred bonus capacity.

B. Only if all of the bonus capacity on one lot shall be used on other lots pursuant to this section, there may also be transferred from the sending lot, to one or more such other lots, up to all of the unused base FAR on the sending lot, without regard to limits on the transfer or on use of TDR in Section 23.49.014. Such transfer shall be treated as a transfer of TDR for purposes of determining remaining development capacity on the sending lot and TDR available to transfer under SMC 23.49.014, but shall be treated as additional base FAR on the other lots. If less than all of the bonus capacity of the sending lot shall be used on such other lots, then unused base FAR on the sending lot still may be transferred to the extent permitted for within-block TDR under Section 23.49.014, and if the sending lot qualifies for transfer of TDR under any other category of sending lot in Chart 23.49.014A, such unused base FAR may be transferred to the extent permitted for such category, but in each case only to satisfy in part the conditions to use of bonus capacity, not as additional base FAR.

C. To the extent permitted by the Director, the combined maximum chargeable floor area under Section 23.49.011 computed for all lots participating in the combined lot development may be used on any one or more such lots. To the extent permitted by the Director, and subject to subsection B of this section, up to the entire combined base chargeable floor area under Section 23.49.011 computed for all lots participating in the combined lot development may be used as base floor area on any one or more such lots.

D. The Director shall allow combined lot development only to the extent that the Director determines, in a Type I land use decision, that permitting more chargeable floor area than would otherwise be allowed on a lot shall result in a significant public benefit. In addition to features for which floor area bonuses are granted, the Director may also consider the following

as public benefits that could satisfy this condition when provided for as a result of the lot combination:

1. preservation of a landmark structure located on the block or adjacent blocks;

2. uses serving the downtown residential community, such as a grocery store, at appropriate locations;

3. public facilities serving the Downtown population, including schools, parks, community centers, human service facilities, and clinics;

4. transportation facilities promoting pedestrian circulation and transit use, including through block pedestrian connections, transit stations and bus layover facilities;

5. Short-term parking for use by shoppers on blocks within convenient walking distance of the retail core or other Downtown business areas where the amount of available short term parking is determined to be insufficient;

6. a significant amount of housing serving households with a range of income levels;

7. improved massing of development on the block that achieves a better relationship with surrounding conditions, including: better integration with adjacent development, greater compatibility with an established scale of development, especially relative to landmark structures, or improved conditions for adjacent public open spaces, green streets, or other special street environments;

8. public view protection within an area; and/or

9. a museum or museum expansion space.

E. The fee owners of each of the combined lots shall execute an appropriate agreement or instrument, which shall include the legal descriptions of each lot and shall be recorded in the

King County real property records. In the agreement or instrument, the owners shall acknowledge the extent to which development capacity on each sending lot is reduced by the use of such capacity on another lot or lots, at least for so long as the chargeable floor area for which such capacity is used remains on such other lot or lots. The deed or instrument shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by the parties and by the City of Seattle.

F. Nothing in this Section shall allow the development on any lot in a combined lot development to exceed or deviate from height limits or other development standards.

Section 38. Section 23.49.042 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

Subchapter II Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial

23.49.042 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial permitted uses.

* * *

C. Public Facilities.

1. Except as provided in Section 23.49.046 D2, uses in public facilities that are most similar to uses permitted outright under this chapter shall also be permitted outright subject to the same use ((~~uses~~)) regulations and development standards that govern the similar uses.

2. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

Section 39. Section 23.49.044 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is amended as follows:

23.49.044 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial prohibited uses.

The following uses are((~~shall be~~)) prohibited as both principal and accessory uses in DOC1, DOC2, and DMC zones, or where a single zone classification is specified, in zones with that classification only:

A. Drive-in businesses, except gas stations located in parking garages;

B. Outdoor storage;

C. All general and heavy manufacturing uses;

D. All salvage and recycling uses except recycling collection stations; ((~~and~~))

E. All high-impact uses;((~~.~~))

F. In DMC zones, adult motion picture theaters and adult panorams; and

G. Principal use long-term parking garages for non-residential uses.

Section 40. Section 23.49.045 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.045 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial principal and accessory parking.

The provisions of this section apply in DOC1, DOC2, and DMC zones.

A. Principal Use Parking.

((~~1. Principal use parking garages for long-term parking in areas shown on Map 1J may be permitted as conditional uses, pursuant to Section 23.49.046. Principal use parking garages for long-term parking are prohibited in other locations.~~))

((~~2.~~))1. Principal use parking garages for short-term parking may be ((~~maybe~~)) permitted as conditional uses, pursuant to Section 23.49.046.

((~~3~~))2. Principal use surface parking areas ((~~shall be~~))may be permitted as conditional uses in areas shown on Map 1I, and are prohibited in other locations.((~~, except that t~~)) Temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.046.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are ((~~shall be~~)) permitted outright, up to the maximum parking limit established by Section ((~~23.49.016, Parking quantity requirements~~)) 23.49.019, Parking quantity, access and screening/landscaping requirements.

2. Accessory surface parking areas are ((~~shall not be~~)) either: ((~~permitted, except that temporary accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.046.~~))

a. Permitted outright when located in areas shown on Map 1I and containing twenty (20) or fewer parking spaces; or

b. Permitted as a conditional use when located in areas shown on Map 1I and containing more than twenty (20) spaces.

3. Temporary accessory surface parking areas may be permitted as conditional uses in areas not shown on Map 1I pursuant to Section 23.49.046.

Section 41. Section 23.49.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.046 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial conditional uses and Council decisions.

* * *

B. Principal use parking garages ((~~for long-term parking in areas designated on Map 1J, and~~))for short-term parking ((~~at any location,~~)) may be permitted as conditional uses, if the Director finds that:

1. Traffic from the garage will not have substantial adverse effects on peak hour traffic flow to and from Interstate 5 or on traffic circulation in the area around the garage; and

2. The vehicular entrances to the garage are located so that they will not disrupt traffic or transit routes; and

3. The traffic generated by the garage will not have substantial adverse effects on pedestrian circulation.

C. Surface parking areas and ((~~T~~))temporary surface((~~-~~)) parking areas ((~~which~~)) that were in existence prior to January 1, 1985 or are located on lots vacant on or before January 1, 1985, or on lots ((~~which~~)) that become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection B of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section ((~~23.49.020, Screening and landscaping of surface parking areas~~)) 23.49.019 Parking quantity, access and screening/landscaping requirements; and

3. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, subject to the following:((~~, according to the provisions of Section 23.49.016B2;and~~))

a. Carpool spaces must be set aside and designated for exclusive carpool use between six (6:00) a.m. and nine-thirty (9:30) a.m. Required carpool spaces not used by carpool vehicles by nine-thirty (9:30) a.m. shall be made available as public short-term parking with appropriate signage provided.

b. Carpool spaces may be reserved as long-term parking only if such parking is for carpools and vanpools. This type of long-term parking arrangement shall be provided at the rate that carpools are formed. The charge for parking made available in this manner shall be at least thirty (30) percent less than the monthly market rate charged the general public for a parking space at this location.

4. ((~~The permit~~)) Permits for temporary surface parking areas may be issued for a maximum of two (2) years. Renewal of a permit for a temporary ((~~surface-parking~~))surface parking area is((~~shall be~~)) subject to the following:

a. Renewals are ((~~shall be~~)) permitted only for those temporary ((~~surface-parking~~))surface parking areas that ((~~which~~)) were in existence on or before January 1, 1985 or are located on lots vacant on or before January 1, 1985. A permit for ((~~a~~)) temporary ((~~surface-parking~~))surface parking on a lot that ((~~which~~)) became vacant as a result of a City-initiated abatement action shall not be renewed, and

b. Renewal shall be for a maximum of two (2) years and shall be granted only if, through an administrative ((~~subject to~~)) conditional use ((~~approval~~)) process,((~~. T~~)) the Director ((~~must~~)) finds that the temporary ((~~surface-parking~~))surface parking area continues to meet applicable criteria; and

((~~5~~))c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

((~~6~~))d. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

D. Public Facilities.

1. Uses in public facilities that are most similar to uses permitted as a conditional use under this chapter shall also be permitted as a conditional use subject to the same conditional use criteria that govern the similar uses.

2. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted as a conditional use according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. Other Permitted Uses in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this chapter may be permitted by the City Council. The City Council may waive or modify development standards or conditional use criteria according to the provisions of Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Expansion of Uses in Public Facilities.

a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use occurs when the expansion that is proposed would not meet development standards or exceed either seven hundred fifty (750) square feet or ten (10) percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

b. Minor Expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed in subsections D1, D2 and D3 above according to the provisions of Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met.

***

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for the takeoff and landing of helicopters ((~~which~~))that serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as Safeco Field and Qwest Field,((~~the Kingdome,~~)) the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

* * *

Section 42. Section 23.49.056 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.49.056 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial street façade and street setback requirements.

Standards for the street facades of structures are established in this section for DOC1, DOC2, and DMC zones, for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits;

Screening of parking;

Street trees.

These standards ((~~shall~~)) apply to each lot line that abuts a street designated on Map 1F((~~G~~)) as having a pedestrian classification, except lot lines of ((~~open space~~)) Open Space TDR sending lots((~~sites~~)). The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1F((~~G~~)), and whether property line facades are required by Map 1H ((~~1K~~)). Standards for street landscaping and setback requirements in Subsection G of this section also apply along lot lines abutting streets in the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F (currently Map 23.49.041A, which is hereby moved and renamed).

A. Minimum Facade Height.

1. Minimum facade height(s) are prescribed ((~~shall be as described~~)) in the chart below, and Exhibit 23.49.056 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

((~~Class I Pedestrian Streets and All Streets Where Property line Facades are Required Minimum Facade Height*~~))	**((~~Class II Pedestrian Minimum Facade Height*~~))**
((~~35 feet~~))	((~~25 feet~~))

Street Classification	**Minimum Façade Height* within Designated Zone**
Streets Requiring Property Line Facades	DOC1, DOC 2, DMC: 35 feet
Class I Pedestrian Streets	DOC 1, DOC 2: 35 feet DMC: 25 feet
Class II Pedestrian Streets	DOC 1, DOC 2: 25 feet DMC: 15 feet
Green Streets	DOC1, DOC 2, DMC: 25 feet

*Except as provided in subsection A2 regarding view corridor requirements.

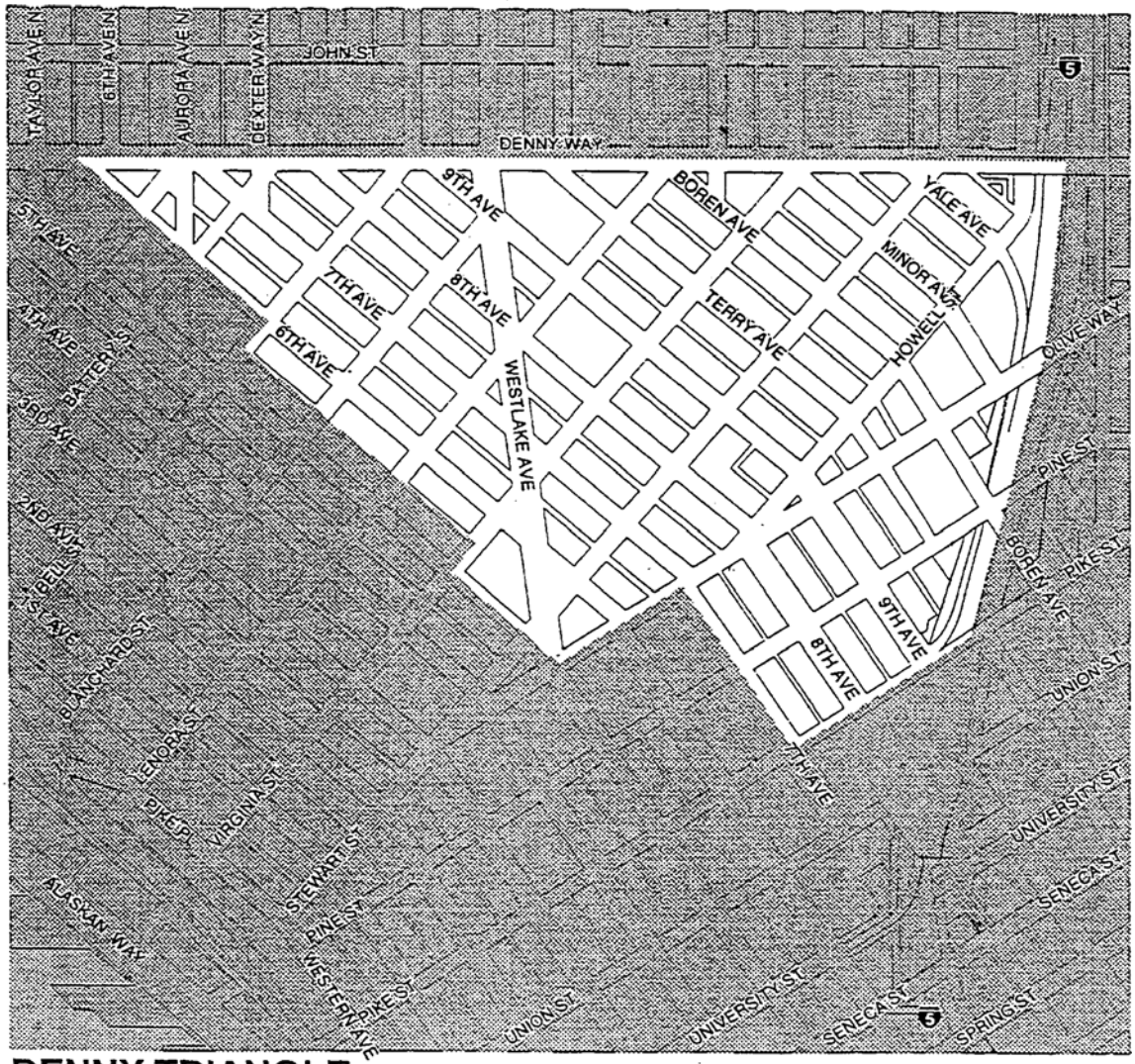

Exhibit 23.49.056 F

2. On designated view corridors specified in Section 23.49.024, the minimum facade height is((~~shall be~~)) the maximum height permitted in the required setback, when it is less than the minimum facade height required in subsection A1 of this section.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map 1H((K)) as requiring property line facades.

a. The facades of structures fifteen (15) feet or less in height shall be located within two (2) feet of the street property line.

b. Structures greater than fifteen (15) feet in height shall be governed by the following criteria:

(1) No setback limits shall apply up to an elevation of fifteen (15) feet above sidewalk grade.

(2) Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that:

i. Any exterior public open space that satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.056 B:

-- The maximum setback shall be ten (10) feet.

-- The total area of a facade that is set back more than two (2) feet from the street property line shall not exceed forty (40) percent of the total facade area between the elevations of fifteen (15) and thirty-five (35) feet.

-- No setback deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

-- The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten (10) feet. Balcony railings and other nonstructural features or walls shall not be considered the façade of the structure.

c. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

2. General Setback Limits. The following setback limits ((~~shall~~)) apply on streets not requiring property line facades, as shown on Map 1H((~~K. Except when the entire structure is fifteen (15) feet or less in height, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.056 C . When the structure is fifteen (15) feet or less in height, the setback limits shall apply to the entire street facade.~~)):

a. The portion of a structure subject to setback limits shall vary according to the structure height and required minimum façade height, as follows:

(1) When the structure is greater than 15 feet in height, the setback limits apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section and Exhibit 23.49.056 C.

(2) When the entire structure is fifteen (15) feet or less in height, the setback limits apply to the entire street facade.

(3) When the minimum façade height is fifteen (15) feet, the setback limits apply to the portion of the street façade that is fifteen (15) feet or less in height.

((~~a~~))b. The maximum area of all setbacks between the lot line and façade along each street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width of the street frontage of the structure along that street (see Exhibit 23.49.056 D). The averaging factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II pedestrian streets and green streets. ((~~Parking shall not be located between the façade and the street lot line~~.))

((~~b~~))c. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.056 D.)

((~~c~~))d. The maximum setback of the facade from the street property lines at intersections shall be ten (10) feet. The minimum distance the facade must conform to this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.056 E.)

((~~d~~))e. Any exterior public open space that satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.056 C.)

((e))f. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements ((~~shall~~)) apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except where the slope along the street frontage of the façade exceeds seven and one-half (7 ½) percent, in which case the

transparency requirements ((~~shall~~)) apply to the area of the façade between four (4) feet and eight (8) feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and display windows are((~~shall be~~)) considered to be transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Façade transparency requirements do((~~shall~~)) not apply to portions of structures in residential use.

((~~2~~))3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code, this subsection shall apply.

((~~3~~))4. Transparency requirements are((~~shall be~~)) as follows:

a. Class I pedestrian streets and green streets: A minimum of sixty (60) percent of the street level facade shall be transparent.

b. Class II pedestrian streets: A minimum of thirty (30) percent of the street level facade shall be transparent.

c. Where the slope along the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required amount of transparency shall be reduced to ((~~forty-five (45)~~)) fifty (50) percent on Class I pedestrian streets and ((~~twenty-two (22)~~)) twenty-five (25) percent on Class II pedestrian streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits(~~shall~~)) apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except where the slope along the street frontage of the façade exceeds seven and one-half (7 ½) percent, in which case the blank façade limits

((~~shall~~)) apply to the area of the façade between four (4) feet and eight (8) feet above sidewalk grade.

b. Any portion of a facade ((~~which~~)) that is not transparent shall be considered to be a blank facade.

c. Blank façade limits do not apply to portions of structures in residential use.

2. Blank Facade Limits for Class I Pedestrian Streets and Green Streets.

a. Blank facades shall be no more than fifteen (15) feet wide except for garage doors which may exceed fifteen (15) feet. Blank façade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage, or ((~~fifty-five (55)~~)) fifty (50) percent of the slope of the street frontage if the facade exceeds seven and one-half (7 1/2) percent.

3. Blank Facade Limits for Class II Pedestrian Streets.

a. Blank facades shall be no more than thirty (30) feet wide, except for garage doors which may exceed thirty (30) feet. Blank façade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, ((~~art-~~

~~work~~))artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or ((~~seventy-eight (78)~~)) seventy-five (75) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

E. Screening of Parking.

1. Parking located at or above street level in a garage shall be screened according to the following requirements:

a. On Class I pedestrian streets and green streets, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets, parking is((~~shall be~~)) permitted at street level when at least thirty (30) percent of the street frontage of the parking area, excluding that portion of the frontage area occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsections C and D. The remaining parking shall be screened from view from the street, and at street level the street façade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 1/2) feet high.

d. On sites greater than 20,000 square feet, accessory parking located above forty (40) feet in height must be separated from the street by another use for a minimum of forty (40) percent of the length of each street frontage. For lots located at street intersections, at least a portion of the required separation by another use must be provided at all street corners.

2. Surface parking areas shall be screened and landscaped pursuant to Section ((~~23.49.020, Screening and landscaping of surface parking areas~~)) 23.49.019, Parking quantity**,** access and screening/landscaping requirements.

* * *

G. Setback and Landscaping Requirements for Lots Located Within the Denny Triangle Urban Village.

1. Landscaping in the Street Right-of-Way for All Streets Other Than Those With Green Street Plans Approved by Director's Rule. All new development in DMC zones in the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F, shall provide landscaping in the sidewalk area of the street right-of-way, except on streets with a Green Street plan approved by Director's Rule. The square footage of landscaped area provided shall be at least one and one-half (1 1/2) times the length of the street property line (in linear feet). The following standards apply to the required landscaped area:

a. The landscaped area shall be at least eighteen (18) inches wide and shall be located in the public right-of-way along the entire length of the street property line, except for building entrances, vehicular access or other connections between the sidewalk and the lot, provided that the exceptions may not exceed fifty (50) percent of the total length of the street property line(s).

b. As an alternative to locating the landscaping at the street property line, all or a portion of the required landscaped area may be provided in the sidewalk area within five (5) feet of the curbline.

c. Landscaping provided within five (5) feet of the curbline shall be located and designed in relation to the required street tree planting and be compatible with use of the curb lane for parking and loading.

d. All plant material shall be planted directly in the ground or in permanently installed planters where planting in the ground is not feasible. A minimum of fifty (50) percent of the plant material shall be perennial.

2. Landscaping on a Green Street

Where required landscaping is on a Green Street, or on a street with urban design and/or landscaping guidelines promulgated by Seattle Department of Transportation, the planting shall conform to those provisions.

3. Landscaping in Setbacks.

a. In the Denny Triangle Urban Village, as shown on Exhibit 23.49.056 F, at least twenty (20) percent of the total square footage of all areas abutting the street property line that are not covered by a structure, have a depth of ten (10) feet or more from the street property line and are larger than three hundred (300) square feet, shall be landscaped. Any area under canopies or marquees is considered uncovered. Any setback provided to meet the minimum sidewalk widths established by Section 23.49.022 is exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently installed planters where planting in the ground is not feasible. A minimum of fifty

(50) percent of the plant material shall be perennial and shall include trees when a contiguous area, all or a portion of which is landscaped pursuant to subsection G1a above, exceeds six hundred (600) square feet.

4. Terry and 9th Avenues Green Street Setbacks.

a. In addition to the requirements of subsections G2 and G3 of this section, a two (2) foot wide setback from the street property line is required along the Terry and 9th Avenue Green Streets within the Denny Triangle Urban Village as shown on Exhibit 23.49.056 F. The Director may allow averaging of the setback requirement of this subsection to provide greater conformity with an adopted Green Street plan.

b. Fifty (50) percent of the setback area must be landscaped.

Section 43. Section 23.49.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 120967, is amended as follows:

23.49.058 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial upper-level development standards.

((~~The regulations in this section apply to all structures in which any floor above an elevation of one hundred twenty-five (125) feet above the sidewalk exceeds fifteen thousand (15,000) square feet. For structures with separate, individual towers, the fifteen thousand (15,000) square foot threshold will be applied to each tower individually.~~

~~A. Coverage Limits. On streets designated on Map 1G as having a pedestrian classification, coverage limit areas are established at two (2) elevations:~~

~~1. Between an elevation of one hundred twenty-five (125) feet and two hundred forty (240) feet above the adjacent sidewalk, the area within twenty (20) feet of each street~~

~~property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.058 A), is established as the coverage limit area.~~

~~2. Above an elevation of two hundred forty (240) feet above the adjacent sidewalk, the area within forty (40) feet of each street property line and sixty (60) feet of intersecting street property lines (see Exhibit 23.49.058 A), is established as the coverage limit area.~~

~~3. The percentage of the coverage limit area that may be covered by a portion of a structure is as follows:~~

		~~Lots With Two or More Street Frontages~~	
~~Elevation~~	**~~Lots With One Street Frontage~~**	**~~Lots 45,000 Sq. Ft. or Less in Size~~**	**~~Lots Greater Than 45,000 Sq. Ft. in Size~~**
~~126‘ to 240‘~~	~~60%~~	~~40%~~	~~20%~~
~~Above 240’~~	~~50%~~	~~40%~~	~~20%~~

~~4. To qualify as uncovered area, at least half the area required to be uncovered shall be contiguous and shall have a minimum depth of fifteen (15) feet.~~

~~5. To meet the coverage limits, a lot may be combined with one or more abutting lots, whether occupied by existing structures or not, provided that:~~

~~a. The coverage of all structures on the lots meets the limits set in this subsection A; and~~

~~b. The fee owners of the abutting lot(s) execute a deed or other agreement, that is recorded with the title to the lots, that restricts future development so that in combination with the other lots, the coverage limits shall not be exceeded.~~

~~B. Maximum Facade Lengths. Maximum facade lengths shall be established for facades above an elevation of one hundred twenty-five (125) feet above the adjacent sidewalk. This maximum length shall be measured parallel to each street property line of streets designated on Map 1G as having a pedestrian classification and shall apply to any portion of a facade, including projections such as balconies, that is located within fifteen (15) feet of street property lines.~~

~~1. The maximum length of facades above an elevation of one hundred twenty-five (125) feet shall be as follows:~~

~~Elevation~~	~~Lots With One Street Frontage~~	~~Lots With Two or More Street Frontages~~	
		~~Lots 40,000 Sq. Ft. or Less in Size~~	~~Lots Greater Than 40,000 Sq. Ft. in Size~~
~~126÷ to 240~~	~~120~~	~~120~~	~~120~~
~~Above 240~~	~~90'*~~	~~120'~~	~~90'~~

~~* Above a height of two hundred forty (240) feet, for each half (1/2) percent reduction of coverage in the coverage limit area from the requirements established in subsection A of this section, the maximum facade length may be increased by one (1) foot up to a maximum of one hundred twenty (120) feet.~~

~~2. To be considered a separate facade for the purposes of determining the maximum facade length established in subsection B1, any portion of a facade above an elevation of one hundred twenty-five (125) feet that is less than fifteen (15) feet from a street property line, shall be separated from any similar portion of the facade by at least sixty (60) feet of facade that is set back at least fifteen (15) feet from a street property line. (See Exhibit 23.49.058 B).~~))

The provisions of this section apply in DOC 1, DOC 2, and DMC zones.

A. Standards for structures 160 feet in height or less, and portions of structures in non-residential use above160 feet These standards do not apply to structures in which any floor

above an elevation of one hundred and twenty-five (125) feet above the adjacent sidewalk exceeds fifteen thousand (15,000) square feet. For structures with separate, individual towers, the fifteen thousand (15,000) square foot threshold applies to each tower individually.

1. Facade Modulation. Façade modulation is required above a height of eighty-five (85) feet above the sidewalk for any portion of a structure located within fifteen (15) feet of a street property line. No modulation is required for portions of a façade set back fifteen (15) feet or more from a street property line.

a. The maximum length of a facade without modulation is prescribed as described in Chart 23.49.058A below. This maximum length shall be measured parallel to each street property line, and shall apply to any portion of a facade, including projections such as balconies, that is located within fifteen (15) feet of street property lines.

Chart 23.49.058A

Elevation	**Maximum length of un-modulated façade within 15' of street property line**
0 to 85 feet	No limit
86 to 125 feet	150 feet
126 to 250 feet	120 feet
251 to 450 feet	100 feet
Above 450 feet	80 feet

b. Minimum width and depth of modulation. Any portion of a facade exceeding the maximum length of façade prescribed on Chart 23.49.058A, must set back a minimum of fifteen (15) feet from the street property line for a minimum distance of sixty (60) feet before any other portion may be within 15 feet of the street property line.

c. Maximum tower width. On lots where both the width and depth of the lot exceeds two hundred (200) feet, the maximum façade width for portions of a building above two hundred forty (240) feet shall be one hundred forty-five (145) feet along the general north/south axis of a site, (parallel to the Avenues), and this portion of the structure shall be separated horizontally from any other portion of a structure on the lot by at least sixty (60) feet at all points.

B. Standards for a structure with residential use in portions of the structure above one hundred sixty (160) feet in height.

1. Lot coverage, average gross floor area, maximum height, and maximum floor area limits.

For structures exceeding a height of one hundred sixty (160) feet that are wholly or partly in residential use, limits on average gross floor area and maximum floor area of towers are prescribed in the chart below.

CHART 23.49.058B:
Average gross floor area and maximum gross floor area limits for residential towers

(1) Zone	(2) Average gross floor area limit of floors with residential use above 85 feet if height does not exceed the maximum height without bonus	(3) Maximum height without bonus	(4) Maximum average gross floor area of floors above 85 feet when structure exceeds the maximum height without bonus	(5) Maximum floor area of any floor with residential use above 85 feet	(6) Maximum height with bonus
DMC 240/400 and DMC 340/400	10,000 sq. ft.	290’	10,700 sq. ft.	11,500 sq. ft.	400’
DOC 2 600	15,000 sq. ft.	300’	12,700 sq. ft.	16,500 sq. ft.	600’

CHART 23.49.058B:
Average gross floor area and maximum gross floor area limits for residential towers

(1) Zone	(2) Average gross floor area limit of floors with residential use above 85 feet if height does not exceed the maximum height without bonus	(3) Maximum height without bonus	(4) Maximum average gross floor area of floors above 85 feet when structure exceeds the maximum height without bonus	(5) Maximum floor area of any floor with residential use above 85 feet	(6) Maximum height with bonus
DOC 1 700	15,000 sq. ft.	450’	13,800 sq. ft.	16,500 sq. ft.	700’

a. There is no limit on lot coverage for portions of a structure up to a height of 85 feet, except as modified by view corridor setbacks or other setback requirements.

b. For structures that do not obtain bonus residential floor area pursuant to Section 23.49.015 or do not achieve LEED NC certification, the portion of the structure above eighty-five (85) feet is subject to the height and average floor area limits specified in columns (2) and (3) on Chart 23.49.058B.

c. For structures that obtain bonus residential floor area pursuant to Section 23.49.015 and achieve LEED NC certification, or an equivalent standard approved by the Director as a special exception, the average gross floor area for the portion of the structure above eighty-five (85) feet is subject to the applicable maximum limit specified in column (4) on Chart 23.49.058B, up to the maximum height limit of the zone.

d. In no instance shall the gross floor area of any floor above the height of eighty-five (85) feet exceed the applicable maximum limit specified in column (5) on Chart 23.49.058B.

e. The area of unenclosed decks and balconies is not included in the calculation of gross floor area.

f. Mechanical equipment located on the roof of a structure, whether enclosed or not, common recreation area provided on the roof of a structure, or unoccupied space provided for architectural interest under Section 23.49.008A2 is not included in the calculation of gross floor area.

2. Maximum tower width.

a. The maximum width of towers is prescribed in Chart 23.49.058C:

Chart 23.49.058C: Maximum width of residential tower structures

Zone	Elevation	Maximum width of towers above height of base structure
DMC 240/400 and DMC 340/400	86' to 290'	For lots 20,000 square feet in area or less: 80% of lot width (measured along principal street frontage); no limit on lot depth (street to alley or mid-block rear lot line) For lots greater than 20,000 square feet: 150'
	Above 290'	For lots 20,000 square feet in area or less: 100' For lots greater than 20,000 square feet: 115'
DOC 2 600	86' to 300'	150'
	Above 300'	120'
DOC 1 700	86' to 300'	160'
	301' to 450'	140'
	Above 450'	120'

b. The projection of unenclosed decks and balconies, or architectural features such as cornices, is disregarded in calculating the maximum width of a tower.

c. For lots twenty thousand (20,000) square feet in area or less in DMC 240/400 and DMC 340/400 zones, the maximum width of tower structures may be increased to

the same width established for lots exceeding twenty thousand (20,000) square feet if the lot is combined with one (1) or more abutting lots, whether occupied by existing structures or not, provided that:

(1). The total area of the combined lots exceeds twenty thousand (20,000) square feet;

(2) All lots have frontage on the same street;

(3) Any existing structure does not exceed a height of one hundred twenty-five (125) feet;

(4) The coverage and spacing of both the proposed and any existing structures meets the limits established in this Section; and

(5) The fee owners of the abutting lot(s) execute and record a covenant that restricts future development on the abutting lot to a maximum height of one hundred twenty-five (125) feet for the life of the proposed structure; and that precludes the use of the abutting lot(s) in combination with any other lots for purposes of meeting the minimum lot size requirements of this section.

3 Transparency requirement for tower facades.

Above an elevation of one hundred and twenty-five (125) feet, either protected or non-protected openings are required for a minimum of seventy-five (75) percent of the total area of each exterior wall.

C. Tower spacing for structures over 160 feet in height.

1. No separation is required between structures on different blocks, except as may be required by view corridor or green street setbacks.

2. In DMC zones, portions of a structure above one hundred and twenty-five (125) feet in height must be separated by a minimum of eighty (80) feet from any portion of a structure within the same block above one hundred and twenty-five (125) feet in height.

3. In DOC 2 zones, portions of a structure occupied by residential use between a height of one hundred and twenty-five (125) feet and three hundred (300) feet must be separated by a minimum of sixty (60) feet from any portion of a structure on the same block occupied by residential use above one hundred and twenty-five (125) feet in height. Above three hundred (300) feet in height, the required separation between structures occupied by residential use is increased to eighty (80) feet.

4. If the presence of an existing tower precludes the addition of another tower on the same block, as a special exception, the Director may waive or modify the tower spacing requirements of this section to allow a maximum of two towers to be located on the same block. The Director shall consider the following factors in determining whether such an exception shall be granted:

a. potential impact of the additional tower on adjacent residential structures, located within the same block and on adjacent blocks, in terms of views, privacy, and shadows;

b. potential public benefits that could result from the additional tower, including the provision of public open space, green street or other streetscape improvements, preservation of landmark structures, and provision of neighborhood commercial services, such as a grocery store, or community services, such as a community center or school;

c. potential impact on the public environment, including shadow and view impacts on nearby streets and public open spaces; and

d. design characteristics of the additional tower in terms of overall bulk and massing, façade treatments and transparency, visual interest, and other features that may offset impacts related to the reduction in required separation between towers.

The Director shall determine that issues raised in the design review process related to the presence of the additional tower have been adequately addressed before granting any exceptions to tower spacing standards.

D. Upper Level Setbacks

When a lot in a DMC zone is across a street from the Pike Place Market Historical District, Map 1K, a continuous upper-level setback of fifteen (15) feet shall be provided on all street frontages across from the Historical District above eighty-five (85) feet.

Section 44. Section 23.49.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is hereby repealed.

Section 45. Section 23.49.062 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is hereby repealed.

Section 46. Section 23.49.064 of the Seattle Municipal Code, which Section was last amended by Ordinance 121476, is hereby repealed.

Section 47. Section 23.49.066 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 48. Section 23.49.076 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is hereby repealed.

Section 49. Section 23.49.078 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 50. Section 23.49.094 of the Seattle Municipal Code, which Section was last amended by Ordinance 112519, is amended as follows:

23.49.094 Downtown Retail Core, principal and accessory parking.

A. Principal Use Parking.

1. Principal use parking garages for long-term parking are((~~shall be~~)) prohibited.

2. Principal use parking garages for short-term parking are((~~shall be~~)) permitted as conditional uses pursuant to Section 23.49.096.((~~either be:~~))

((~~A. Permitted outright when the garage contains only short-term parking spaces for which additional floor area is granted pursuant to Section 23.49.100; or~~

~~B. Permitted as conditional uses pursuant to Section 23.49.096.~~))

3. Principal use surface parking areas for both long and short term parking are ((~~shall be~~)) prohibited, except that temporary principal use surface parking areas may be permitted as conditional uses pursuant to Section 23.49.096.

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are ((~~shall be~~)) permitted outright, up to the maximum parking limit established by Section ((~~23.49.016, Parking quantity requirements~~)) 23.49.019, Parking quantity, access and screening/landscaping requirements.

2. Accessory surface parking areas are prohibited((~~shall not be permitted~~)), except that temporary accessory surface parking areas may be permitted as conditional uses pursuant to Section 23.49.096.

Section 51. Section 23.49.096 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.096 Downtown Retail Core, conditional uses and Council decisions.

* * *

D. Temporary ((~~surface parking~~))surface parking areas ((~~which~~))that were in existence prior to January 1, 1985 or located on lots vacant on or before January 1, 1985, or on lots ((~~which~~))that become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection C of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section 23.49.019((~~23.49.020~~)), Parking quantity, access and screening/landscaping requirements, ((~~Screening and landscaping of surface parking areas~~)); and

3. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section ((~~23.49.016 B2~~)) 23.49.046 C3; and

4. The permit may be issued for a maximum of two (2) years. Renewal of a permit for a temporary ((~~surface parking~~))surface parking area shall be subject to the following:

a. Renewals shall be permitted only for those temporary surface parking areas which were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for a temporary ((~~surface parking~~))surface parking area on a lot which became vacant as a result of a City-initiated abatement action shall not be renewed; and

b. Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary ((~~surface parking~~))surface parking area continues to meet applicable criteria; and

5. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving and parking space

striping, when the permit expires. Landscaping need not be removed when the permit expires; and

6. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

* * *

G. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for takeoff and landing of helicopters ((~~which~~)) that serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan adopted by the City Council and is a public facility; or is part of a City and regional transportation plan adopted by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as Safeco Field and Qwest Field,((~~the Kingdome,~~)) the Pike Place Market and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles and approach lanes.

* * *

Section 52. Section 23.49.106 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.49.106 Downtown Retail Core, street façade requirements.

* * *

B. Facade Setback Limits.

1. The facades of structures less than or equal to fifteen (15) feet in height shall be located within two (2) feet of the street property line.

2. Structures greater than fifteen (15) feet in height shall be governed by the following criteria:

a. No setback limits shall apply up to an elevation of fifteen (15) feet above sidewalk grade.

b. Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards (see Exhibit 23.49.106 A):

(1) The maximum setback shall be ten (10) feet.

(2) The total area of ((~~of~~)) the portion of the facade between the elevations of fifteen (15) feet and thirty-five (35) feet above sidewalk grade at the street property line that is set back more than two (2) feet from the street property line shall not exceed forty (40) percent of the total facade area between the elevations of fifteen (15) feet and thirty-five (35) feet.

(3) No setback deeper than two (2) feet shall be wider ((~~that~~))than twenty (20) feet, measured parallel to the street property line.

(4) The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten (10) feet. Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

3. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

***

E. Screening of Parking. Parking located at or above street level in parking garages shall be screened according to the following requirements:

1. Parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

2. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 1/2) feet high.

3. On sites greater than twenty thousand (20,000) square feet, accessory parking located above forty (40) feet in height must be separated from the street by another use for a minimum of forty (40) percent of the length of each street frontage. For lots located at street intersections, at least a portion of the required separation by another use must be provided at all street corners.

* * *

Section 53. Section 23.49.108 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is amended as follows:

23.49.108 Downtown Retail Core, upper-level development standards.

A. Structure setbacks of fifteen (15) feet from the street property line are required for all portions of a building at or above a height of eighty-five (85) feet above the adjacent sidewalk. ((~~,except for structures that are subject to the limits in subsection B.~~)) (See Exhibit 23.49.108A.)

((~~B. Structures on either of the two half blocks abutting the east side of 2nd Avenue, between Pine and Union Streets, that exceed one hundred fifty (150) feet in height pursuant to Section 23.49.008A, are subject to the following:~~

~~1. Maximum Coverage Limit. A maximum coverage limit of seventy (70) percent of the area of the lot applies to all portions of structures above a height of eighty-five (85) feet above the adjacent sidewalk.~~

~~2. Structure Setbacks. Structure setbacks of fifteen (15) feet from the street property line are required for all portions of a building at or above a height of eighty-five (85) feet above the adjacent sidewalk on east/west streets only.~~

~~3. Maximum Facade Length. Along 2nd Avenue all portions of the structure facade within fifteen (15) feet of the street property line and above eighty-five (85) feet in height above the adjacent sidewalk are subject to maximum facade length provisions as follows:~~

~~a. The maximum length of a facade is ninety (90) feet.~~

~~b. To be considered a separate facade for the purposes of determining the maximum facade length established in this subsection, any portion of an applicable facade must be separated by at least sixty (60) feet of facade, measured parallel to the Second Avenue street~~

~~property line, that is set back at least fifteen (15) feet from the Second Avenue street property line (See Exhibit 23.49.108 B.)~~))

Section 54. Section 23.49.116 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is hereby repealed.

Section 55. Section 23.49.118 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is hereby repealed.

Section 56. Section 23.49.120 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 57. Section 23.49.122 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 58. Section 23.49.126 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 59. Section 23.49.130 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is hereby repealed.

Section 60. Section 23.49.134 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is hereby repealed.

Section 61. Section 23.49.136 of the Seattle Municipal Code, which Section was last amended by Ordinance 120443, is hereby repealed.

Section 62. Section 23.49.146 of the Seattle Municipal Code, which Section was last amended by Ordinance 121196, is amended as follows:

23.49.146 Downtown Mixed Residential, principal and accessory parking.

***

B. Accessory Parking.

1. Accessory parking garages for both long-term and short-term parking are((~~shall be~~)) permitted outright, when located on the same lot as the use ((~~which~~))that they serve, up to the maximum parking limit established by Section ((~~23.49.016, Parking quantity requirements~~)) 23.49.019, Parking quantity, access and screening/landscaping requirements. Parking garages providing accessory parking for residential uses, which includes the residential portion of live-work units, located on another lot may be permitted as conditional uses pursuant to Section 23.49.148. Parking garages providing accessory parking for nonresidential uses located on another lot are((~~shall be~~)) prohibited.

2. Accessory surface parking areas are((~~shall be~~)):

a. Prohibited in DMR/R areas;

b. Permitted outright in DMR/C areas when containing twenty (20) or fewer parking spaces; or

c. Permitted as a conditional use in DMR/C areas when containing more than twenty (20) parking spaces, pursuant to Section 23.49.148.

Section 63. Section 23.49.148 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.148 Downtown Mixed Residential, conditional uses and Council decisions.

* * *

C. Accessory ((~~surface parking~~))surface parking areas, where permitted as a conditional use by Section 23.49.146, and temporary principal ((~~surface parking~~))surface parking areas, which were in existence prior to January 1, 1985 or areas located on lots vacant on or before January 1, 1985, or on lots ((~~which~~))that become vacant as a result of a City-initiated abatement action, may be permitted as conditional uses in DMR/C areas if the Director finds that:

1. Traffic from the parking area will not have substantial adverse effects on traffic circulation in the surrounding areas; and

2. The vehicular entrances to the parking area are located so that they will not disrupt traffic or transit routes; and

3. The traffic generated by the parking area will not have substantial adverse effects on pedestrian circulation; and

4. The parking area is screened and landscaped according to the provisions of Section ((~~23.49.020, Screening and landscaping of surface parking areas~~)) 23.49.019, Parking quantity, access and screening/landscaping requirements; and

5. For temporary principal ((~~surface parking~~))surface parking areas:

a. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section ((~~23.49.016 B2~~)) 23.49.046 C3, and

b. The permit may be issued for a maximum of two (2) years. Renewal of a permit for a temporary ((~~surface parking~~))surface parking area shall be subject to the following:

(1) Renewals shall be permitted only for those temporary ((~~surface parking~~))surface parking areas ((~~which~~))that were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. Renewal of a permit for a temporary ((~~surface parking~~))surface parking area on a lot ((~~which~~))that became vacant as a result of a City-initiated abatement action shall not be renewed; and

(2) Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The ((~~director~~))Director must find that the temporary ((~~surface parking~~))surface parking area continues to meet applicable criteria; and

c. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area, such as curbcuts, paving, and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires, and

d. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

* * *

Section 64. Section 23.49.162 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.49.162 Downtown Mixed Residential, street façade requirements.

Standards for the facades of structures are established for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits;

Screening of parking;

Landscaping.

These standards shall apply to each lot line that abuts a street designated on Map 1((~~G~~))F as having a pedestrian classification, except lot lines of ((~~open space~~)) Open Space TDR sites. The standards on each street frontage shall vary according to the pedestrian classification of the street on Map 1F((~~G~~)), and whether property line facades are required by Map 1H((~~I~~)).

***

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map 1H((I)) as requiring property line facades:

a. The facades of structures fifteen (15) feet or less in height shall be located within two (2) feet of the street property line.

b. Structures greater than fifteen (15) feet in height shall be governed by the following criteria:

(1) No setback limits shall apply up to an elevation of fifteen (15) feet above sidewalk grade.

(2) Between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade, the facade shall be located within two (2) feet of the street property line, except that:

i. Any exterior public open space that satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five (35) feet above sidewalk grade at the property line shall be permitted according to the following standards. (See Exhibit 23.49.162 B.)

The maximum setback shall be ten (10) feet.

The total area of a facade that is set back more than two (2) feet from the street property line shall not exceed forty (40) percent of the total facade area between the elevations of fifteen (15) and thirty-five (35) feet.

No setback deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

The facade of the structure shall return to within two (2) feet of the street property line between each setback area for a minimum of ten feet (10'). Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

c. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

2. General Setback Limits. The following setback limits shall apply on streets not requiring property line facades as shown on Map 1H((I)). Except when the entire structure is fifteen (15) feet or less in height, or when the minimum facade height established in subsection A of this section is fifteen (15) feet, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section (see Exhibit 23.49.162 C). When the structure is fifteen (15) feet or less in height, the setback limits shall apply to the entire street facade. When the minimum façade height is fifteen (15) feet, the setback limits shall apply to the portion of the street facade that is fifteen (15) feet or less in height.

a. The maximum area of all setbacks between the lot line and façade shall be limited according to an averaging technique. The maximum area of all setbacks along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of the street frontage of the structure along the street. (See Exhibit 23.49.162 D.) The averaging factor shall be five (5) on Class I pedestrian streets, twenty (20) on Class II pedestrian streets, and thirty (30) on green streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.162D.)

c. The maximum setback of the facade from the street property line at intersections shall be ten (10) feet. The minimum distance the façade must conform to under this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.162E.)

d. Any exterior public open space that satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.162C.)

e. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements ((~~shall~~))apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except where the slope along the street frontage of the façade exceeds seven and one-half (7 ½) percent, in which case the façade transparency requirements apply to the area of the façade between four (4) feet and eight (8) feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and display windows is((~~shall be~~)) considered to be transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Facade transparency requirements do((~~shall~~)) not apply to portions of structures in residential use.

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code, this subsection applies((~~shall apply~~)).

4. Transparency requirements are((~~shall be~~)) as follows:

a. Class I pedestrian streets: A minimum of sixty (60) percent of the street-level facade shall be transparent.

b. Class II pedestrian streets and green streets: A minimum of thirty (30) percent of the street-level facade shall be transparent.

c. When the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required amount of transparency shall be reduced to ((~~forty-five (45)~~)) fifty (50) percent on Class I pedestrian streets and ((~~twenty-two (22)~~)) twenty-five (25) percent on Class II pedestrian streets and green streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits ((~~shall~~))apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except where the slope along the street frontage of the façade exceeds seven and one-half (7 ½) percent, in which case the blank façade limits apply to the area of the façade between four (4) feet and eight (8) feet above sidewalk grade.

b. Any portion of a facade that((~~which~~)) is not transparent is((~~shall be~~)) considered to be a blank facade.

c. Blank facade limits do ((~~shall~~)) not apply to portions of structures in residential use.

2. Blank Facade Limits for Class I Pedestrian Streets.

a. Blank facades shall be limited to segments fifteen (15) feet wide, except for garage doors which may exceed fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage; or ((~~fifty-five (55)~~)) fifty (50) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

3. Blank Facade Limits for Class II Pedestrian Streets and Green Streets.

a. Blank facades shall be limited to segments thirty (30) feet wide, except for garage doors which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or ((~~seventy-eight (78)~~)) seventy-five (75) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

E. Screening of Parking.

1. Parking located at or above street level in a garage shall be screened according to the following requirements:

a. On Class I pedestrian streets and green streets, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets and green streets, parking shall be permitted at street level when at least thirty (30) percent of the street frontage of the ((~~insert graphic~~)) parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsection D2. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

c. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 1/2) feet high.

d. On sites greater than twenty thousand (20,000) square feet, accessory parking located above forty (40) feet in height must be separated from the street by another use for a minimum of forty (40) percent of the length of each street frontage. For lots located at street intersections, at least a portion of the required separation by another use must be provided at all street corners.

2. Surface parking areas shall be screened and landscaped pursuant to Section ((~~23.49.020, Screening and landscaping of surface parking area~~)) 23.49.019, Parking quantity, access and screening/landscaping requirements.

* * *

Section 65. Section 23.49.164 of the Seattle Municipal Code, which Section was last amended by Ordinance 114079, is amended as follows:

23.49.164 Downtown Mixed Residential, maximum wall dimensions.

***

C. Housing Option.

1. On lots with structures that ((~~which~~)) contained low- ((~~or moderate~~)) income housing on or before the effective date of ((~~the~~)) ordinance 114079 ((~~codified in this section~~)), and that ((~~which~~)) meet the requirements of subsection C4, the maximum length of portions of structures above an elevation of sixty-five (65) feet that ((~~which~~)) are located less than twenty (20) feet from a street ((~~lot~~))property line shall not exceed one hundred twenty (120) feet per block front. This maximum length shall be measured parallel to the street property line. Portions of structures, measured parallel to the street ((~~lot~~))property line, that ((~~which~~)) are located twenty (20) feet or more from the street ((~~lot~~))property line, shall have no maximum limit.

2. When the housing option is used, no portions of the structure may be located in the area within twenty (20) feet of the intersection of street property lines between elevations of sixty-five (65) and one hundred twenty-five (125) feet.

3. When the housing option is used, each floor in portions of structures between elevations of sixty-five (65) and one hundred twenty-five (125) feet shall have a maximum gross floor area of twenty-five thousand (25,000) square feet or the lot coverage limitation whichever is less.

4. In order to use the housing option, housing on the lot shall be subject to an agreement with the City that((~~which~~)) contains the following conditions and any other provisions necessary to ((~~insure~~))ensure compliance:

a. The demolition or change of use of the housing shall be prohibited for not less than ((~~forty (40)~~)) fifty (50) years from the date a final certificate of occupancy is issued for the commercial development on the lot; and

b. If the housing is or was rental housing on or before the effective date of this ordinance, it shall be used as rental housing for not less than ((~~forty (40)~~)) fifty (50) years from the date a final certificate of occupancy is issued for the commercial development of the lot; and

c. The structure will be brought up to and maintained in conformance with the Housing and Building Maintenance Code; and

d. Housing that is or was low-income housing on or before the effective date of ((~~this~~)) ordinance 114079, ((~~it~~))shall be maintained as low-income housing ((~~, and all other units shall be used as moderate-income housing~~)) for not less than ((~~forty (40)~~)) fifty (50) years from the date a final certificate of occupancy is issued for the commercial development on the lot.

e. Housing that((~~which~~)) is preserved according to the provisions of this section shall not qualify for a downtown housing bonus or for transfer of development rights.

Section 66. Section 23.49.306 of the Seattle Municipal Code, which Section was last amended by Ordinance 112303, is amended as follows:

23.49.306 Downtown Harborfront 1, parking.

Parking located at or above grade shall be screened according to the following requirements:

A. Parking where permitted on dry land at street level shall be screened according to the provisions of Section 23.49.019, Parking quantity, access and screening/landscaping requirements. ((~~23.49.020, Screening and landscaping of surface parking areas.~~))

***

Section 67. Section 23.49.324 of the Seattle Municipal Code, which Section was last amended by Ordinance 119484, is amended as follows:

23.49.324 Downtown Harborfront 2, conditional uses.

* * *

C. ((~~Surface parking~~))Surface parking areas where permitted as a conditional use by Section 23.49.322, and temporary surface parking areas located on lots vacant on or before January 1, 1985, or on lots which become vacant as a result of City-initiated abatement action, may be permitted as conditional uses according to the following standards:

1. The standards stated for garages in subsection B of this section are met; and

2. The lot is screened and landscaped according to the provisions of Section ((~~23.49.020, Screening and landscaping of surface parking areas~~)) 23.49.019, Parking quantity, access and screening/landscaping requirements; and

3. For temporary ((~~surface parking~~))surface parking areas:

a. At least twenty (20) percent of the long-term spaces shall be set aside for carpools, according to the provisions of Section ((~~23.49.016 B2~~)) 23.49.046 C3; and

b. The permit may be issued for a maximum of two (2) years.

c. Renewal of a permit for a temporary ((~~surface parking~~))surface parking area shall be subject to the following:

(1) Renewals shall be permitted only for those temporary ((~~surface parking~~))surface parking areas that ((~~which~~)) were in existence on or before January 1, 1985 or located on lots vacant on or before January 1, 1985. A permit for a temporary ((~~surface parking~~))surface parking area on a lot ((~~which~~)) that became vacant as a result of a City-initiated abatement action shall not be renewed; and

(2) Renewal shall be for a maximum of two (2) years and shall be subject to conditional use approval. The Director must find that the temporary ((~~surface parking~~))surface parking area continues to meet applicable criteria; and

d. The applicant shall post a bond in an amount adequate to cover the costs of removing the physical evidence of the parking area such as curb cuts, paving and parking space striping, when the permit expires. Landscaping need not be removed when the permit expires; and

e. Signs at each entrance to the parking area stating the ending date of the permit shall be required.

***

F. Helistops and heliports may be permitted as Council conditional uses according to the following criteria:

1. The helistop or heliport is for takeoff and landing of helicopters which serve a public safety, news gathering or emergency medical care function and, in the case of heliports, services provided for those helicopters; is part of a City and regional transportation plan approved by the City Council and is a public facility; or is part of a City and regional transportation plan approved by the City Council and is not within two thousand (2,000) feet of a residential zone.

2. The helistop or heliport is located so as to minimize adverse physical environmental impacts on lots in the surrounding area, and particularly on residentially zoned lots, public parks, and other areas where substantial public gatherings may be held, such as Safeco Field and Qwest Field,((~~the Kingdome,~~)) the Pike Place Market, and the Westlake Mall.

3. The lot is of sufficient size that the operations of the helistop or heliport and the flight paths of the helicopters can be buffered from other uses in the surrounding area.

4. Open areas and landing pads shall be hard-surfaced.

5. The helistop or heliport meets all federal requirements including those for safety, glide angles, and approach lanes.

* * *

Section 68. Section 23.49.332 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.49.332 Downtown Harborfront 2, street façade requirements.

Standards for the facades of structures at street level are established for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits;

Screening of parking;

Street trees.

These standards shall apply to each lot line that abuts a street designated on Map 1 ((J))F as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map 1((J))F.

* * *

B. Facade Setback Limits.

1. Except when the entire structure is less than or equal to fifteen (15) feet in height, or when the minimum facade height established in subsection A of this section is fifteen (15) feet, the setback limits shall apply to the facade between an elevation of fifteen (15) feet above sidewalk grade and the minimum facade height established in subsection A of this section (and see Exhibit 23.49.332B). When the structure is less than or equal to fifteen (15) feet in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen (15) feet, the setback limits shall apply to the portion of the street facade that ((which)) is fifteen (15) feet or less in height.

2. The maximum area of all setbacks between the lot line and façade along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor times the width of the street frontage of the lot along that street (see Exhibit 23.49.332C). The averaging factor shall be thirty (30) on both Class II pedestrian streets and green streets ((parks)). Parking shall not be located between the facade and the street property((lot)) line.

3. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen (15) feet from the street property line shall not exceed eighty (80) feet, or thirty (30) percent of the lot frontage on that street, whichever is less. (See Exhibit 23.49.332 C.)

4. The maximum setback of the facade from the street property line at intersections shall be ten (10) feet. The minimum distance the façade must conform to this limit shall be twenty (20) feet along each street. (See Exhibit 23.49.332 D.)

5. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.332 B.)

6. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements ((~~shall~~))apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except where the slope along the street frontage of the façade exceeds seven and one-half (7 ½) percent, in which case the façade transparency requirements apply to the area of the façade between four (4) feet and eight (8) feet above sidewalk grade. Only clear or lightly tinted glass in windows, doors, and display windows is((~~shall be~~)) considered to be transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

2. Facade transparency requirements do((~~shall~~)) not apply to portions of structures in residential use.

3. When the transparency requirements of this subsection are inconsistent with the glazing limits in the Energy Code, this subsection shall apply.

4. Transparency requirements are((~~shall be~~)) as follows:

a. Class I pedestrian streets: A minimum of sixty (60) percent of the street-level façade shall be transparent.

((~~a.~~)) b. Class II pedestrian streets and Green Streets: A minimum of thirty (30) percent of the street-level facade shall be transparent.

((~~b. When the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent, the required amount of transparency shall be reduced to twenty-two (22) percent.~~))

c. When the slope of the street frontage of the façade exceeds seven and one-half (7 1/2) percent, the required amount of transparency is reduced to fifty (50) percent on Class I pedestrian streets and green streets and twenty-five (25) percent on Class II pedestrian streets.

D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits ((~~shall~~))apply to the area of the facade between two (2) feet and eight (8) feet above the sidewalk, except where the slope along the street frontage of the façade exceeds seven and one-half (7 ½) percent, in which case the blank façade limits ((~~shall~~))apply to the area of the façade between four (4) feet and eight (8) feet above sidewalk grade.

b. Any portion of a facade that((~~which~~)) is not transparent shall be considered to be a blank facade.

c. Blank facade limits shall not apply to portions of structures in residential use.

2. Blank Facade Limits for Class I Pedestrian Streets and Green Streets.

a. Blank facades are limited to segments fifteen (15) feet wide, except for garage doors which may exceed fifteen (15) feet. Blank facade width may be increased to thirty (30) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors may not exceed the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated from other blank segments by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed forty (40) percent of the street facade of the structure on each street frontage; or fifty (50) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

((~~2.~~))3. Blank Facade Limits for Class II Pedestrian Streets and ((~~Street Parks~~)) Green Streets.

a. Blank facades shall be limited to segments thirty (30) feet wide, except for garage doors which may exceed thirty (30) feet. Blank facade width may be increased to sixty (60) feet if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five (5) feet.

b. Any blank segments of the facade shall be separated by transparent areas at least two (2) feet wide.

c. The total of all blank facade segments, including garage doors, shall not exceed seventy (70) percent of the street facade of the structure on each street frontage; or

((~~seventy-eight (78)~~)) seventy-five (75) percent if the slope of the street frontage of the facade exceeds seven and one-half (7 1/2) percent.

E. Screening of Parking.

1. Parking located at or above street level in a garage shall be screened according to the following requirements:

a. On Class I pedestrian streets, parking is not permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

((~~a.~~))b. On Class II pedestrian streets, parking shall be permitted at street level when at least thirty (30) percent of the street frontage of the parking area, excluding that portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade of the separating uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsections C and D of this section. The remaining parking shall be screened from view at street level and the street facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

((~~b.~~))c. On Green Streets, parking shall not be permitted at street level unless separated from the street by other uses, provided that garage doors need not be separated.

((~~c.~~))d. The perimeter of each floor of parking garages above street level shall have an opaque screen at least three and one-half (3 1/2) feet high.

e. On sites greater than twenty thousand (20,000) square feet, accessory parking located above forty (40) feet in height must be separated from the street by another use for a minimum of forty (40) percent of the length of each street frontage. For lots located at street intersections, at least a portion of the required separation by another use must be provided at all street corners.

2. Surface parking areas shall be screened and landscaped pursuant to Section ((~~23.49.020, Screening and landscaping of surface parking areas~~)) 23.49.019, Parking quantity, access and screening/landscaping requirements.

* * *

Section 69. Section 23.49.338 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.49.338 Pike Market Mixed, prohibited uses.

* * *

B. Within the Pike Place Market Historical District, Map 1((~~L~~))K uses may be prohibited by the Pike Market Historical Commission pursuant to the Pike Place Market Historical District Ordinance.

Section 70. Section 23.54.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is amended as follows:

23.54.015 Required parking.

A. The minimum number of off-street parking spaces required for specific uses shall be based upon gross floor area, unless otherwise specified, as set forth in Chart A, except for uses located in downtown zones, which are regulated by Section ((~~23.49.016~~)) 23.49.019, and Major Institution uses, which are regulated by Section 23.54.016. (See Chart A for Section 23.54.015.) Minimum parking requirements for uses in the Stadium Transition Area Overlay District to which a maximum parking ratio applies shall be reduced to the extent necessary, if any, to allow compliance with the maximum parking ratio as it applies to all such uses on the same lot. If floor area of a use for which parking is required is added to a lot for which one or more minimum parking ratios has been reduced under the previous sentence, or if the floor area of any

such existing uses on such a lot are modified, or both, then any reductions in minimum required parking ratios shall be adjusted so that the total of all reductions in required parking for uses on that lot is the amount necessary to permit compliance with the applicable maximum parking ratio.

***

Section 71. Section 23.54.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is amended as follows:

23.54.020 Parking quantity exceptions.

The parking quantity exceptions set forth in this section shall apply in all zones except downtown zones, which are regulated by Section ((~~23.49.016~~)) 23.49.019, and Major Institution zones, which are regulated by Section 23.54.016.

***

Section 72. Section 23.54.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782 is amended as follows:

23.54.030 Parking space standards

***

F. Curbcuts. Curbcut requirements shall be determined by whether the parking served by the curbcut is for residential or nonresidential use, and by the zone in which the use is located. When a curbcut is used for more than one (1) use or for one (1) or more live-work units, the requirements for the use with the largest curbcut requirements shall apply.

1. Residential Uses in Single-family and Multi-family Zones and Single-purpose Residential Uses in All Other Zones.

a. For lots not located on a principal arterial as designated on Exhibit 23.53.015 A, the number of curbcuts permitted shall be according to the following chart:

Street or Easement Frontage of the Lot	Number of Curbcuts Permitted
0 -- 80 feet	1
81 -- 160 feet	2
161 -- 240 feet	3
241 -- 320 feet	4

For lots with frontage in excess of three hundred twenty (320) feet, the pattern established in the chart shall be continued.

b. Curbcuts shall not exceed a maximum width of ten (10) feet except that:

(1) One (1) curbcut greater than ten (10) feet but in no case greater than twenty (20) feet in width may be substituted for each two (2) curbcuts permitted by subsection F1a; and

(2) A greater width may be specifically permitted by the development standards in a zone; and

(3) When subsection D of Section 23.54.030 requires a driveway greater than ten (10) feet in width, the curbcut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on Exhibit 23.53.015 A, curbcuts of a maximum width of twenty-three (23) feet shall be permitted according to the following chart.

Street Frontage of the Lot	Number of Curbcuts Permitted
0 -- 160 feet	1
161 -- 320 feet	2

321 -- 480 feet	3

For lots with street frontage in excess of four hundred eighty (480) feet, the pattern established in the chart shall be continued.

d. There shall be at least thirty (30) feet between any two (2) curbcuts located on a lot.

e. A curbcut may be less than the maximum width permitted but shall be at least as wide as the minimum required width of the driveway it serves.

f. Where two (2) adjoining lots share a common driveway according to the provisions of Section 23.54.030 D1, the combined frontage of the two (2) lots shall be considered one (1) in determining the maximum number of permitted curbcuts.

2. Nonresidential Uses in Single-family and Multifamily Zones, and All Uses, Except Single-purpose Residential Uses, in All Other Zones Except Industrial Zones.

a. Number of Curbcuts.

(1) In RC, NC1, NC2 and NC3 zones and within Major Institution Overlay Districts, the number of two-way curbcuts permitted shall be according to the following chart:

Street Frontage of the Lot	**Number of Curbcuts Permitted**
0 -- 80 feet	1
81 -- 240 feet	2
241 -- 360 feet	3
361 -- 480 feet	4

For lots with frontage in excess of four hundred eighty (480) feet the pattern established in the chart shall be continued. The Director may allow two (2) one-way curbcuts to be substituted for

one (1) two-way curbcut, after determining that there would not be a significant conflict with pedestrian traffic.

(2) In C1 and C2 zones and the SM zone, the Director shall review and make a recommendation on the number and location of curbcuts.

(3) In downtown zones, a maximum of two (2) curbcuts for one (1) way traffic at least forty (40) feet apart, or one (1) curbcut for two (2) way traffic, shall be permitted on each street front where access is permitted by Section ((~~23.49.018~~)) 23.49.019 G**.** No curbcut shall be located within forty (40) feet of an intersection. These standards may be modified by the Director on lots with steep slopes or other special conditions, to the minimum extent necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic.

(4) For public schools, the minimum number of curbcuts determined necessary by the Director shall be permitted.

b. Curbcut Widths.

(1) For one (1) way traffic, the minimum width of curbcuts shall be twelve (12) feet, and the maximum width shall be fifteen (15) feet.

(2) For two (2) way traffic, the minimum width of curbcuts shall be twenty-two (22) feet, and the maximum width shall be twenty-five (25) feet, except that the maximum width may be increased to thirty (30) feet when truck and auto access are combined.

(3) For public schools, the maximum width of curbcuts shall be twenty-five (25) feet. Development standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

(4) When one (1) of the following conditions applies, the Director may require a curbcut of up to thirty (30) feet in width, if it is found that a wider curbcut is necessary for safe access:

i. The abutting street has a single lane on the side that abuts the lot; or

ii. The curb lane abutting the lot is less than eleven (11) feet wide; or

iii. The proposed development is located on an arterial with an average daily traffic volume of over seven thousand (7,000) vehicles; or

iv. Off-street loading space is required according to subsection H of Section 23.54.015.

c. The entrances to all garages accessory to nonresidential uses or live-work units and the entrances to all principal use parking garages shall be at least six (6) feet nine (9) inches high.

3. All Uses in Industrial Zones.

a. Number and Location of Curbcuts. The number and location of curbcuts shall be determined by the Director.

b. Curbcut Width. Curbcut width in Industrial zones shall be provided as follows:

(1) When the curbcut provides access to a parking area or structure it shall be a minimum of fifteen (15) feet wide and a maximum of thirty (30) feet wide.

(2) When the curbcut provides access to a loading berth, the maximum width of thirty (30) feet set in subsection F3b(1) may be increased to fifty (50) feet.

(3) Within the minimum and maximum widths established by this subsection, the Director shall determine the size of the curbcuts.

4. Curbcuts for Access Easements.

a. When a lot is crossed by an access easement serving other lots, the curbcut serving the easement may be as wide as the easement roadway.

b. The curbcut serving an access easement shall not be counted against the number or amount of curbcut permitted to a lot if the lot is not itself served by the easement.

5. Curbcut Flare. A flare with a maximum width of two and one-half (2 1/2) feet shall be permitted on either side of curbcuts in any zone.

6. Replacement of Unused Curbcuts. When a curbcut is no longer needed to provide access to a lot, the curb and any planting strip shall be replaced.

***

Section 73. Section 23.66.122 of the Seattle Municipal Code, which Section was last amended by Ordinance 120928, is amended as follows:

23.66.122 Prohibited Uses.

***

B. Commercial uses that((~~which~~)) are automobile-oriented are prohibited. Such uses include but are not limited to the following:

1. Drive-in businesses, except gas stations accessory to parking garages;

2. Principal and accessory surface parking areas not in existence prior to August 10, 1981, except that accessory use surface parking lots may be permitted in Subarea B shown on Map C if the lot satisfies the provisions of SMC Section 23.49.019, Parking quantity, access and

screening/landscaping requirements. ((~~23.49.020, Screening and landscaping of surface parking areas.~~))

3. Motels.

Section 74. Section 23.66.170 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, is amended as follows:

23.66.170 Parking and access.

A. Parking shall be required in the Pioneer Square Preservation District, according to Section ((~~23.49.016~~)) 23.49.019 of this Land Use Code.

***

Section 75. Section 23.74.010 of the Seattle Municipal Code, which Section was enacted by Ordinance 119972, is amended as follows:

23.74.010 Development Standards.

***

C. The following development standards apply to each use and structure, except spectator sports facilities, to the extent that the use or structure either is on a lot fronting on Railroad Way South, 1st Avenue South, South Holgate between 1st Avenue South and Occidental Avenue South, or Occidental Avenue South, or is within a forty (40) foot radius measured from any of the block corners of 1st Avenue South or Occidental Avenue South intersecting with the following streets: Railroad Way South, South Royal Brougham, South Atlantic, South Massachusetts, South Holgate and any other streets intersecting with 1st Avenue or Occidental Avenue South that may be established between South Holgate Street and Railroad Way South, as depicted in Exhibit 23.74.010 A. Railroad Way South, First Avenue South, South Holgate Street and Occidental Avenue South within the Stadium Transition Overlay District, and all street areas

within a forty (40) foot radius of any of those block corners described above, are referred to in this section as the "pedestrian environment," except that in applying this section to a through lot abutting on Occidental Avenue South and on 1st Avenue South, Occidental Avenue South is not considered part of the pedestrian environment.

1. Street Facade Requirements. The following requirements apply to facades or portions thereof facing streets or portions of streets in the pedestrian environment:

a. Minimum Facade Height. Minimum facade height shall be twenty-five (25) feet, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height.

b. Facade Setback Limits.

(i) Within the first twenty-five (25) feet of height measured from sidewalk grade, all building facades must be built to within two (2) feet of the street property line for the entire facade length. For purposes of this subsection (C)(1)(b), balcony railings and other nonstructural features or nonstructural walls are not considered parts of the facade of the structure.

(ii) Above twenty-five (25) feet measured from sidewalk grade, the maximum setback is ten (10) feet, and no single setback area that is deeper than two (2) feet shall be wider than twenty (20) feet, measured parallel to the street property line.

(iii) The facade shall return to within two (2) feet of the street property line for a minimum of ten (10) feet, measured parallel to the street property line, between any two setback areas that are deeper than two feet.

2. Outdoor Service Areas. Gas station pumps, service islands, queuing lanes, and other service areas related to fueling are not allowed between any structure and the pedestrian

environment area described in this section. Gas station pumps, service islands, queuing lanes, and other service areas related to fueling must be located behind or to the side of a gas station, as viewed from any street in such pedestrian environment and are not allowed between any structure on the same lot and the pedestrian environment area described in this section.

3. Screening and Landscaping. The requirements of Sections 23.50.016, 23.50.034, and 23.50.038, including requirements contingent on location near a commercial zone, apply to all new uses and structures. Requirements in Section 23.50.038 contingent on location near a residential lot do not apply. In addition, the screening and landscaping requirements for outdoor storage in subsections a and c of Section 23.47.016 D5 apply, with respect to street property lines abutting the pedestrian environment, to the following uses, where a principal or accessory use is located outdoors: outdoor storage (except for outdoor storage associated with florists and horticultural uses), surface parking, sales and rental of motorized vehicles, towing services, sales and rental of large boats, dry storage of boats, sales, service and rental of commercial equipment and construction materials, heavy commercial services, outdoor participant sports and recreation, wholesale showroom, mini-warehouse, warehouse and outdoor storage, transportation facilities, and utilities (except for utility service uses), and light and general manufacturing.

4. Blank Facades and Transparency Requirements. In addition to the blank facade requirements of Section 23.50.038 A2, the blank façade limits and transparency requirements of Section ((~~23.49.076~~))23.49.056 C, D, E and F apply to facades or portions thereof facing streets in the pedestrian environment, except that requirements for Class I Pedestrian Streets and Green Streets do not apply.

5. Principal Pedestrian Entrances. A principal pedestrian entrance to a structure having a facade along Railroad Way South, 1st Avenue South, or Occidental Avenue South shall be located on Railroad Way South, 1st Avenue South, or Occidental Avenue South, respectively. If the structure has facades along both 1st Avenue South and Occidental Avenue South, a principal pedestrian entrance is required only on 1st Avenue South.

Section 76. Section 23.76.004 of the Seattle Municipal Code, which Section was last amended by Council Bill 115267, is amended as follows:

23.76.004 Land use decision framework.

A. Land use decisions are classified into five (5) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five (5) different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in Exhibit 23.76.004A.

Exhibit 23.76.004A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
• Compliance with development standards	• Temporary uses, more than four weeks	• Subdivision (preliminary plats)
• Uses permitted outright	• Variances	
• Temporary uses, four weeks or less	• Administrative conditional uses	
• Intermittent uses	• Shoreline decisions	

Exhibit 23.76.004A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I Director's Decision (No Administrative Appeal)	**TYPE II Director's Decision (Appealable to Hearing Examiner*)**	**TYPE III Hearing Examiner's Decision (No Administrative Appeal)**
• Certain street uses • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation • Temporary uses, twelve months or less, for relocation of police and fire protection • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased Development Permit • <u>Determination of public benefit for combined lot</u>	(*appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special exceptions • Design review • Light rail transit facilities • Monorail transit facilities • The following environmental determinations: 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determination of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies	

Exhibit 23.76.004A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III Hearing Examiner's Decision (No Administrative Appeal)
FAR	5. A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required) • Major Phased Development • Downtown planned community developments	

COUNCIL LAND USE DECISIONS

TYPE IV (Quasi-Judicial)	TYPE V (Legislative)
• Land use map amendments (rezones) • Public project approvals • Major Institution master plans • Council conditional uses • ((~~Downtown~~)) Special review district planned community developments	• Land Use Code text amendments • Rezones to implement new City Policies • Concept approval for City facilities • Major Institution designations • Waive or modify development standards for City facilities • Planned Action Ordinance

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Section 77. Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 121476, is amended as follows:

23.76.006 Master Use Permits required.

***

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;

2. Establishment or change of use for uses permitted outright, temporary uses for four (4) weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for twelve (12) months or less;

3. The following street use approvals associated with a development proposal:

a. Curb cut for access to parking,

b. Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving,

c. Sidewalk cafes provided that Type II notice of application procedures shall be followed,

d. Structural building overhangs,

e. Areaways;

4. Lot boundary adjustments;

5. Modification of the following features bonused under Title 24:

a. Plazas,

b. Shopping plazas,

c. Arcades,

d. Shopping arcades,

e. Voluntary building setbacks;

6. Determinations of Significance (determination that an environmental impact statement is required) for Master Use Permits and for building, demolition, grading and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by Section 23.55.042D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015;

10. Reasonable accommodation; ((~~and~~))

11. Minor amendment to Major Phased Development Permit((~~.~~)) and

12. Determination of public benefit for combined lot FAR.

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.05, Environmental Policies and Procedures):

a. Determinations of Nonsignificance (DNSs), including mitigated DNSs;

b. Determination that a final environmental impact statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations which are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040E, and excepting temporary relocation of police and fire stations for twelve (12) months or less;

b. Short subdivisions;

c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

e. Design review;

f. Administrative conditional uses; provided that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

(1) Shoreline substantial development permits,

(2) Shoreline variances,

(3) Shoreline conditional uses;

h. Major Phased Development;

i. Determination of project consistency with a planned action ordinance and EIS;

j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

k. Establishment of monorail transit facilities necessary to operate and maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and Section 15.54.020; and

l. Downtown planned community developments.

***

Section 78. Section 23.76.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.76.036 Council decisions required.

A. The Council shall make the following Type IV Council land use decisions, including any integrated decisions to approve, condition or deny based on SEPA Policies, and any associated Type II decisions listed in Section 23.76.006 C2:

1. Amendments to the Official Land Use Map, including changes in overlay districts and shoreline environment redesignations, except those initiated by the City and except

boundary adjustments caused by the acquisition, merger or consolidation of two (2) Major Institutions pursuant to Section 23.69.023;

2. Public projects proposed by applicants other than The City of Seattle that require Council approval;

3. Major Institution master plans (supplemental procedures for master plans are established in SMC Chapter 23.69);

4. Council conditional uses; and

5. ((~~Downtown~~)) Special Review District planned community developments.

***

Section 79. Section 23.76.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

23.76.058 Rules for specific decisions.

C. ((~~Downtown~~)) Special Review District Planned Community Developments.

1. Council Action. Approval of an application for a planned community development in a Special Review District shall be by ordinance. The ordinance shall also amend the Official Land Use Map to indicate:

a. The boundaries of the approved Special Review District planned community development;

b. The number of the ordinance approving the preliminary plans for the special review district planned community development; and

c. The number of the Clerk's File containing the approved preliminary plans.

2. Final Plans. If the Council approves the application for a Special Review District planned community development it shall authorize the applicant to prepare final plans which, together with any required covenants, shall be filed with the Director within one (1) year of the date of Council authorization, unless a longer period is authorized by the Council.

a. If the Director finds that the final plans conform substantially to the Council authorization, the Director shall approve the plans.

b. If in the Director's judgment the final plans do not conform to the Council's authorization, the application shall be denied.

c. Following action on the final plans, the Director shall file a report with the Council indicating how the plans did or did not meet the conditions of Council approval and whether or not the plans were approved.

d. No building or use permit shall be issued for a Special Review District planned community development prior to final plan approval by the Director.

D. Public Projects Not Meeting Development Standards. The City Council may waive or modify applicable developments standards, accessory use requirements, special use requirements or conditional use criteria for public projects.

Section 80. Section 23.84.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.84.008 Definitions -- "D.

* * *

"DMC Housing TDR site." See "TDR site, DMC Housing."

* * *

Section 81. Section 23.84.016 of the Seattle Municipal Code, which Section was last amended by Ordinance 120611, is amended as follows:

23.84.016 Definitions -- "H.

* * *

"Household, low-income" means a household whose income does not exceed eighty (80) percent of the median family income for comparably sized households in the Seattle area, as published from time to time by the U.S. Department of Housing and Urban Development (HUD).

"Household, very low-income" means a household whose income does not exceed fifty (50) percent of median family income for comparably sized households in the Seattle area, as published from time to time by the U.S. Department of Housing and Urban Development (HUD).

"Housing, affordable" means ((~~low, low-moderate or moderate income housing~~)) a housing unit for which the occupant is paying no more than thirty (30) percent of household income for gross housing costs, including an allowance for utility costs paid by the occupant.

"Housing, low-income" ((~~See "Low-income housing."~~)) means housing affordable to, and occupied by, households with annual incomes no higher than eighty (80) percent of median income as defined in SMC 23.84.025.

~~"Housing, low-moderate."((See "Low-moderate income housing."~~))

"Housing, moderate income" ((~~ See "Moderate income housing."~~)) means any housing unit that ((~~which~~)) is affordable to moderate-income households, according to the Public Benefit Features Rule.

"Housing, very low-income" means housing affordable to, and occupied by, households with annual incomes no higher than fifty (50) percent of median income as defined in SMC 23.84.025.

"Housing TDR site." See "TDR site, Housing." ((~~means a lot meeting the following requirements:~~

~~1. The lot is located in any Downtown zone except PMM, DH-1, and DH-2 zones;~~

~~2. Each structure on the lot has a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing or low and low-moderate income housing use for a minimum of fifty (50) years;~~

~~3. The lot has above-grade gross floor area equivalent to at least one (1) FAR committed to low-income housing use for a minimum of fifty (50) years;~~

~~4. The above-grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is contained in one or more structures existing as of the date of passage of Ordinance 120443, and such area was in residential use as of such date, as demonstrated to the satisfaction of the Director of Housing; and~~

~~5. The low-income housing or low and low-moderate income housing commitments on the lot provide for satisfaction of the standards in Section 23.49.012 B1b and are accepted by the Director of the Office of Housing.~~))

* * *

Section 82. Section 23.84.018 of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is amended as follows:

23.84.018 Definitions -- "I.

* * *

"Institution" means structure(s) and related grounds used by organizations providing educational, medical, social and recreational services to the community, such as hospitals; vocational or fine arts schools; adult care centers and ((~~child care~~)) childcare facilities((~~centers~~)), whether operated for nonprofit or profit-making purposes; and nonprofit organizations such as colleges and universities, elementary and secondary schools, community centers and clubs, private clubs, religious facilities, museums, and institutes for advanced study.

1. "Adult care center" means an institution which regularly provides care to a group of adults for less than twenty-four (24) hours a day, whether for compensation or not.

2. "College" means a post-secondary educational institution, operated by a nonprofit organization, granting associate, bachelor and/or graduate degrees.

3. "Community center" means an institution used for civic or recreational purposes, operated by a nonprofit organization providing direct services to people on the premises rather than carrying out only administrative functions, and open to the general public on an equal basis. Activities in a community center may include classes and events sponsored by nonprofit organizations, community programs for the elderly, and other similar uses.

4. "Community club" means an institution used for athletic, social, civic or recreational purposes operated by a nonprofit organization, membership to which is open to the general public on an equal basis.

5. ((~~"Child care~~)) "Childcare facility((~~center~~))" means an institution which regularly provides care to a group of children for less than twenty-four (24) hours a day, whether for compensation or not. Preschools shall be considered to be ((~~child care~~)) childcare facilities((~~centers~~)).

6. "Family support center" means an institution that offers support services and instruction to families, such as parenting classes and family counseling, and is co-located with a Department of Parks and Recreation community center.

7. "Hospital" means an institution which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more, for observation, diagnosis and care of individuals who are suffering from illness, injury, deformity or abnormality or from any condition requiring obstetrical, medical or surgical services, or alcohol or drug detoxification. This definition excludes nursing homes.

8. "Institute for advanced study" means an institution operated by a nonprofit organization for the advancement of knowledge through research, including the offering of seminars and courses, and technological and/or scientific laboratory research.

9. "Library" means an institution where literary, musical, artistic or reference materials are kept for use but not generally for sale.

10. "Museum" means an institution operated by a nonprofit organization as a repository of natural, scientific, historical, cultural or literary objects of interest or works of art, and where the collection of such items is systematically managed for the purpose of exhibiting them to the public.

11. "Private club" means an institution used for athletic, social or recreational purposes and operated by a private nonprofit organization, membership to which is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.

12. "Religious facility" means an institution, such as a church, temple, mosque, synagogue or other structure, together with its accessory structures, used primarily for religious worship.

13. "School, elementary or secondary" means an institution operated by a nonprofit organization primarily used for systematic academic or vocational instruction through the twelfth grade.

14. "Vocational or fine arts school" means an institution which teaches trades, business courses, hairdressing and similar skills on a post-secondary level, or which teaches fine arts such as music, dance or painting to any age group, whether operated for nonprofit or profit-making purposes.

15. "University." See "College."

Section 83. Section 23.84.024 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

23.84.024 Definitions -- "L.

"Landmark Housing TDR site." See "TDR site, Landmark Housing."

"Landmark performing arts theater" means a structure that:

1. Contains space that was designed for use primarily as, or is suitable for use as, a performing arts theater;

2. Is located in ((~~one (1) of the following Downtown zones: DOC1, DOC2, DRC, or DMC;~~)) a DOC1 or DOC2 zone;

3. Is a designated Landmark under Chapter 25.12;

4. Is subject to an ordinance establishing incentives and controls, or for which the owner ((~~of which shall agree~~))executes, prior to the approval of ((~~any landmark theater priority~~

~~TDR under Section 23.49.033 and prior to the issuance of any building permit for any structure receiving TDRs or~~)) a FAR bonus under any agreement with respect to such theater, ((~~to~~))an incentives and controls agreement approved by the City Landmarks Preservation Board; ((~~which agreement may be conditioned, with the approval of such Board, on the approval of a specified amount of priority landmark TDR for the lot on which such theater is located and/or on the purchase, lease, or option by the City or a third party of a certain amount of development rights from such lot on specified terms;~~))

5. Has, or will have upon completion of a proposed plan or rehabilitation, a minimum floor area devoted to performing arts theater space and accessory uses of at least twenty thousand (20,000) square feet; and

6. Will be available, for the duration of any commitment made to qualify for a FAR bonus, ((~~or to transfer development rights from the lot~~)) for live theater performances no fewer than one hundred eighty (180) days per year.

* * *

"LEED" (Leadership in Energy & Environmental Design) Green Building Rating System™ is a voluntary environmental standard for buildings. Project owners and developers may elect to use either LEED for New Construction (LEED-NC) or LEED for Core & Shell (LEED-CS) standards.

"LEED-CS" (LEED for Core & Shell) is a standard for commercial real estate and speculative developers who lease space to tenants. Typically, the developer is responsible for developing the building's core and shell, and the tenant is responsible for the design and improvement of the leased space.

"LEED-NC" (LEED for New Construction) is a standard for new construction or major renovation projects. Typical projects are owner-occupied, or developed by the building owner as a build-to--suit project for tenants. LEED-NC projects may include commercial office buildings, high-rise residential buildings, civic buildings, schools and university buildings, health care facilities, community centers, and sports arenas.

***

"Low-income elderly multifamily structure" means a structure in which at least ninety (90) percent of the dwelling units are occupied by one (1) or more persons sixty-two (62) or more years of age who constitute a low-income ((~~or low-moderate income~~)) household.

"Low-income elderly/low-income disabled multifamily structure" means a multifamily structure in which at least ninety (90) percent of the dwelling units (not including vacant units) are occupied by a low-income household ((~~or a low-moderate income household~~)) that includes a person who has a handicap as defined in the Federal Fair Housing Amendment Act or a person sixty-two (62) years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

"Low-income household." See "Household, low-income." ((~~means any household whose total household income is less than fifty (50) percent of the median income for comparably sized households in the Seattle-Everett Standard Metropolitan Statistical Area as defined by the United States Department of Housing and Urban Development.~~))

"Low-income housing." See "Housing, low-income." ((~~means any housing unit which is rented to a low income household at rents not to exceed thirty (30) percent of fifty (50) percent~~

~~of the median income for comparably sized households in the Seattle-Everett Standard Metropolitan Statistical Area as defined by the United States Department of Housing and Urban Development.~~))

((~~"Low-moderate income household means any household whose total household income is between fifty (50) percent and eighty (80) percent of the median income for comparably sized households in the Seattle-Everett Standard Metropolitan Statistical Area as defined by the United States Department of Housing and Urban Development.~~))

((~~"Low-moderate income housing" means any housing unit which is rented to a low-moderate income household at rents not to exceed thirty (30) percent of eighty (80) percent of the median income for comparably sized households in the Seattle-Everett Standard Metropolitan Statistical Area as defined by the United States Department of Housing and Urban Development.~~))

* * *

Section 84. Section 23.84.025 of the Seattle Municipal Code, which Section was last amended by Ordinance 121278, is amended as follows:

23.84.025 Definitions -- "M.

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<u>"Major retail store" means a structure or portion of a structure that provides adequate space of at least eighty thousand (80,000) square feet to accommodate the merchandising needs of a major new retailer with an established reputation, and providing a range of merchandise and services to anchor downtown shopping activity around the retail core, thereby supporting other retail uses and the area's vitality and regional draw for customers. A major retail store is a</u>

public benefit feature that may be exempt from calculations of chargeable floor area, but is not eligible for a floor area bonus.

* * *

"Median income" means annual median family income for the Seattle area, as published from time to time by the U.S. Department of Housing and Urban Development (HUD), with adjustments according to average size of household considered to correspond to the size of the housing unit (one (1) person households for studio units and one and a half (1.5) persons per bedroom for other units).

* * *

Section 85. Section 23.84.038 of the Seattle Municipal Code, which Section was last amended by Ordinance 121278, is amended as follows:

23.84.038 Definitions -- "T.

* * *

"TDR" or "Transferable Development Rights" means development potential, measured in square feet of gross floor area, that may be transferred from a lot pursuant to provisions of this Title. These terms do not include development credits transferable from ((~~rural~~)) King County pursuant to the City/County Transfer of Development Credits (TDC) program established by Ordinance 119728. Such terms do not denote or imply that the owner of TDR has a legal or vested right to construct or develop any project or to establish any use.

"TDR, DMC Housing" means TDR that are eligible for transfer based on the status of the sending lot as a DMC Housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as DMC Housing TDR.

"TDR, ((~~h~~))Housing" means TDR that are eligible for transfer based on the status of the sending lot as a ((~~h~~))Housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as ((~~h~~))Housing TDR.

"TDR, Landmark" means TDR that are eligible for transfer based on the landmark status of the sending lot or a structure on such lot, except Landmark ((~~h~~))Housing TDR.

"TDR, Landmark Housing" means TDR that are eligible for transfer based on the status of the sending lot as a Landmark Housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as Landmark Housing TDR.

"TDR, ((~~open space~~))Open Space" means development rights that may be transferred from a lot or lots based on the provision of public open space meeting certain standards on that lot.

"TDR site, DMC Housing" means a lot meeting the following requirements:

1. The lot is located in a Downtown Mixed Commercial (DMC) zone;

2. Each structure to be developed on the lot has or will have a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years, unless such requirement is waived or modified by the Director of the Office of Housing for good cause;

3. The lot will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years; and

4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded

agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, Housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except PMM, DH-l and DH-2 zones;

2. Each structure on the lot has a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years;

3. The lot has above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;

4. The above-grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is contained in one or more structures existing as of the date of passage of Ordinance 120443 and such area was in residential use as of such date, as demonstrated to the satisfaction of the Director of the Office of Housing; and

5. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, Landmark Housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except IDM, IDR, PSM, PMM, DH-l and DH-2 zones;

2. The lot contains a designated landmark under SMC 25.12 and such structure will be renovated to include a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years;

3. The lot has or will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;

4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, ((~~open space~~)) Open Space" means a lot that has been approved by the Director as a sending lot for ((~~open space~~)) Open Space TDR, which approval is still in effect, and for which all the conditions to transfer ((~~open space~~)) Open Space TDR have been satisfied.

* * *

"Transferable development rights." See "TDR."

* * *

Section 86. Section 23.84.042 of the Seattle Municipal Code, which Section was last amended by Ordinance 112777, is amended as follows:

23.84.042 Definitions -- "V.

* * *

"Very low-income household". See "Household, very low-income."

"Very low-income housing." See "Housing, very low-income."

* * *

Section 87. Of the fifteen codified maps at the end of the Seattle Municipal Code Chapter 23.49, four maps (1F Transit Access, 1N Retail and Short-term Parking Public Amenity Features, 1M Downtown Retail Core, and 1O Additional Height) are repealed; four maps (1B

Street Classifications, 1C Sidewalk Widths,1D View Corridors, and 1E Existing Public Benefit Features Under Title 24) are existing and not amended; six maps (1G Pedestrian Street Classifications, 1H Street Level Use Required, 1I Property Line Facades, 1J Parking Uses Permitted, 1K Public Amenity Features, and 1L Pike Place Market) are re-lettered in each case to use the preceding letter of the alphabet; and four maps (1A Downtown Zones, the re-lettered 1I Parking Uses Permitted, the re-lettered 1J Public Amenity Features, and the re-lettered 1K Pike Place Market) are amended to be codified at the end of Chapter 23.49.

Section 88. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect the validity of any other provision or the application of the particular provision in other circumstances. To the extent that sections of this ordinance recodify or incorporate into new or different sections provisions of the Seattle Municipal Code as previously in effect, this ordinance shall be construed to continue such provisions in effect. The repeal of various sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the obligation

to comply with the terms and conditions of any permit issued pursuant to the provisions of such Title as in effect prior to such repeal, nor shall it relieve any person or property of any obligations, conditions or restrictions in any agreement or instrument made or granted pursuant to, or with reference to, the provisions of such Title in effect prior to such repeal.

Section 89. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2005, and signed by me in open session in authentication of its passage this _____ day of _____, 2005.

_____
President _____of the City Council

Approved by me this ____ day of _____, 2005.

_____
Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2005.

_____
City Clerk

(Seal)

Attachment 1

Rezones

Attachment 2

Map 1A, Downtown Zones, is amended;

(Maps 1B, 1C, 1D, and 1E are existing and are not amended.);

(Map 1F is deleted);

(Map 1G Pedestrian Street Classifications, is re-lettered to be Map 1F);

(Map 1H Street Level Use Required, is re-lettered to be Map 1G);

(Map 1J, Property Line Facades, is re-lettered to be Map 1H);

Map 1I (formerly Map 1J), Parking Uses Permitted, is amended;

Map 1J (formerly Map 1K), Public Amenity Features, is amended;

Map 1K (formerly Map 1L), Pike Place Market, is amended;

(Map 1M, Downtown Retail Core, is deleted);

(Map 1N, Retail and Short-term Parking Public Amenity Features, is deleted);

(Map 1O, 20% Additional Height, is deleted).